



भारत का राजपत्र

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सं. 36]

नई दिल्ली, अगस्त 31—सितम्बर 6, 2003, शनिवार/भाद्र 9—भाद्र 15, 1925

No. 36]

NEW DELHI, AUGUST 31—SEPTEMBER 6, 2003, SATURDAY/BHADRA 9—BHADRA 15, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सार्विक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

मंत्रिमंडल सचिवालय

नई दिल्ली, 21 अगस्त, 2003

का.आ. 2493.—अपराधिक प्रक्रिया संहिता 1973 (1974 का 2) की धारा 24 की उपधारा (8) और पोटा, 2002 की धारा 28 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार श्री जयंत कुमार एम. पंचाल, वकील एवं विशेष लोक अभियोजक और श्री सुरेश जी. ठाकुर, वकील सहायक विशेष लोक अभियोजक, सीबीआई को केस आर.सी. 2(एस)/2003/एसआईयू-1/एसआईसी-1/नई दिल्ली (हरेन पांड्या पूर्व मंत्री, गुजरात की हत्या, केस) तथा आर.सी. 5(एस)/2003/एसआईयू-1/एसआईसी-1/नई दिल्ली (जानदार तिवारी की हत्या का प्रयास केस) तथा इससे संबंधित व अनुबंधिक किसी अन्य मामलों में विशेष न्यायालयीक (पोटा मामले) अहमदाबाद के न्यायालय तथा हाई कोर्ट अहमदाबाद में केस की जांच के लिए विशेष लोक अभियोजक नियुक्त करती है।

[सं. 225/24/2003-डी.एस.पी.ई.]

शुभा ठाकुर, अवर सचिव

2420 GI/2003

(6061)

CABINET SECRETARIAT

New Delhi, the 21st August, 2003

S. O. 2493.—In exercise of the powers conferred by Section 28 of The Prevention of Terrorism Act, 2002 (Act No.15 of 2002) , the Central Government hereby appoints S/Shri. Jayant Kumar M. Panchal and Suresh G. Thakur, Advocates, Ahmedabad as Special Public Prosecutors for conducting the trial of the cases RC 2 (S)2003/SIU-I/SIC-I (Haren Pandya murder case) and RC 5 (S)2003/SIU-I/SIC-I (Attempt to murder of Jagdish Shubhaji Tiwari) in the court of Special Judge (POTA cases) Ahmedabad and appeals/revisions or other matters arising out of these case in revisional or appellate courts established by Law.

[No. 225/24/2003-DSPE]

SHOBHA THAKUR, Under Secy.

गृह मंत्रालय

नई दिल्ली, 22 अगस्त, 2003

का.आ. 2494.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, गृह मंत्रालय के निम्नलिखित कार्यालयों में हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80% से अधिक हो जाने के फलस्वरूप उन्हें एतदद्वारा अधिसूचित करती है :

1. कार्यालय पुलिस उप महानिरीक्षक, केन्द्रीय रिजर्व पुलिस बल, जमशेदपुर (जारखंड)।
2. कार्यालय पुलिस उप महानिरीक्षक, केन्द्रीय रिजर्व पुलिस बल, मुजफ्फरपुर (बिहार)।
3. कार्यालय पुलिस उप महानिरीक्षक, केन्द्रीय रिजर्व पुलिस बल, बंगलूर (कर्नाटक)।
4. कार्यालय पुलिस उप महानिरीक्षक, केन्द्रीय रिजर्व पुलिस बल, पल्लिपुरम (केरल)।
5. कार्यालय अपर पुलिस उप महानिरीक्षक, गुप केन्द्र, केन्द्रीय रिजर्व पुलिस बल, बंगलूर (कर्नाटक)।

[सं० 12017/1/2002-हिन्दी]

राजेन्द्र सिंह, निदेशक (राजभाषा)

MINISTRY OF HOME AFFAIRS

New Delhi, the 22nd August, 2003

S. O. 2494.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Ministry of Home Affairs where the percentage of Hindi knowing staff has gone above 80% :

1. Office of Dy. Inspector General of Police, Central Reserve Police Force, Jamshedpur (Jharkhand).
2. Office of Dy. Inspector General of Police, Central Reserve Police Force, Muzaffarpur (Bihar).
3. Office of Dy. Inspector General of Police, Central Reserve Police Force, Bangalore (Karnataka).
4. Office of Dy. Inspector General of Police, Central Reserve Police Force, Pallipuram (Kerala).
5. Office of Addl. Dy. Inspector General of Police, Group Centre, Central Reserve Police Force, Bangalore (Karnataka).

[No. 12017/1/2002-Hindi]
RAJENDRA SINGH, Director (OL)

नई दिल्ली, 22 अगस्त, 2003

का.आ. 2495.—यह: राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, भारत सरकार, गृह मंत्रालय की दिनांक 12-11-1993 की अधिसूचना संख्या 12017/2/93-हिन्दी के तहत कार्यालय पुलिस उपमहानिरीक्षक, स्पेशल रेंज, केन्द्रीय रिजर्व पुलिस बल, नई दिल्ली को गृह मंत्रालय के उप कार्यालयों की सूची में क्र०सं० 2 पर शामिल किया गया था जिनमें हिन्दी का कार्यसाधक ज्ञान रखने वाले कर्मचारियों की संख्या 80% से अधिक हो गई थी। अतः अब गृह मंत्रालय की दिनांक 12-11-93 की उक्त अधिसूचना में क्रम संख्या 2 पर शामिल उपर्युक्त कार्यालय का नाम अधिसूचित कार्यालयों की सूची से एतदद्वारा हटाया जाता है क्योंकि उक्त नाम का कोई कार्यालय अब अस्तित्व में नहीं है।

[सं० 12017/1/2002-हिन्दी]

राजेन्द्र सिंह, निदेशक (राजभाषा)

New Delhi, the 22nd August, 2003

S. O. 2495.—Whereas in pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the office of the Deputy Inspector General of Police, Special Range, Central Reserve Police Force, New Delhi was included at Sl. No. 2 in the list of offices of the Ministry of Home Affairs where the percentage of Hindi knowing staff had gone above 80% vide Ministry of Home Affairs notification No. 12017/2/93, dated 12-11-1993. Now, therefore, the name of the aforesaid office included at Sr. No. 2 of the said notification dated 12-11-93 of the Ministry of Home Affairs is hereby deleted from the list of notified offices as no office of the said name is in existence now.

[No. 12017/1/2002-Hindi]

RAJENDRA SINGH, Director (OL)

वित्त मंत्रालय

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 31 जुलाई, 2003

आयकर

का.आ. 2496.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शब्दियों का प्रयोग करते हुए केन्द्रीय सरकार एतदद्वारा "श्री द्वारकाधीशजी मंदिर, द्वारका, जिला जामनगर" को वर्ष 1996-97 से 1998-1999 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :—

- (i) कर निर्धारिति इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है,

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या : 187/2003/फा. सं. 197/90/2003-आयकर नि. 1]

आई. पी. एस. बिन्द्रा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

Central Board of Direct Taxes

New Delhi, the 31st July, 2003

(INCOME TAX)

S. O. 2496.—In exercise of powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “*Shri Dwarkadhishji Mandir, Dwarka-Distt. Jamnagar*” for the purpose of the said sub-clause for the assessment years 1996-1997 to 1998-1999 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 187/2003/F. No. 197/90/2003-ITA-I]

I. P. S. BINDRA, Under Secy.

नई दिल्ली, 31 जुलाई, 2003

आयकर

का.आ. 2497.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार द्वारा “*श्री कावले मठ समस्थान, 91, बाणगंगा रोड, बालकेश्वर, मुम्बई-400006*” को वर्ष 2002-2003 से 2004-2005 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अनुमोदित करती है, अर्थात् :—

(i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना संख्या : 188/2003/फा. सं. 197/88/2003-आ.क. नि. -I]

आई. पी. एस. बिन्द्रा, अवर सचिव

New Delhi, the 31st July, 2003
(INCOME TAX)

S. O. 2497.—In exercise of powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “*Shri Kavale Math Samsthana, 91, Banganga Road, Walkeshwar, Mumbai-400 006*” for the purpose of the said sub-clause for the assessment years 2002-2003 to 2004-2005 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 188/2003/F. No. 197/88/2003-ITA-II
I. P. S. BINDRA, Under Secy.]

केन्द्रीय उत्पाद शुल्क के आयुक्त का कार्यालय

पूजे, 13 अगस्त, 2003

संख्या 01/2003 केन्द्रीय उत्पाद शुल्क (नॉन-टैरिफ)

का.आ. 2498.—भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली द्वारा दिनांक 01-07-1994 को जारी की गयी अधिसूचना संख्या 33/94 सीमा शुल्क (नॉन टैरिफ) के अधीन मुझे प्रदान किए गए अधिकारों का उपयोग करते हुए, मैं श्री. डॉ. एस. सरा, आयुक्त, केन्द्रीय उत्पाद शुल्क पूणे-I आयुक्तालय, पूणे एतद्वारा, महाराष्ट्र राज्य के पूणे जिले के मावल तहसील के काहे ग्राम परिसर को, सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 की व्यवस्थाओं के अधीन, प्रायवेट बॉअंडेड वेरहाऊसिंह स्थापना के प्रयोजन से, वे अरहाऊसिंग स्टेशन घोषित कर रहा हूँ।

[फ. सं. वी.जी.एन. (19)ओ एम-11/2003/440]
डॉ. एस. सरा, आयुक्त

OFFICE OF THE COMMISSIONER OF
CENTRAL EXCISE

Pune, the 13th August, 2003
No. 01/2003 C.E. (N.T)

S. O. 2498.—In exercise of powers conferred on me by the Notification No. 33/94-CUS (NT) dated 01-07-1994

of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I, D.S. SRA, Commissioner of Central, Excise Pune-I Commissionerate, Pune, hereby declare village Kanhe, Tal-Maval, Dist-Pune in the State of Maharashtra to be Warehousing Station under Section 9 of the Customs Act, 1962 (52 of 1962) for setting up of Private Bonded Warehouse.

[F. No. VGN (19) OM-II/2003/440]

D. S. SRA, Commissioner

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 22 अगस्त, 2003

का.आ. 2499.—बैंककारी विनियमन अधिनियम, 1949

(1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश से, एतद्वारा, यह घोषणा करती है कि उपर्युक्त अधिनियम की धारा 13 एवं 15 की उपधारा (1) के उपबंध विजया बैंक पर इस अधिसूचना की तिथि से पांच वर्षों की अवधि के लिए लागू नहीं होंगे।

[फ. सं. 11/15/2001-बीओए]

डॉ. पी. भारद्वाज, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 22nd August, 2003

S. O. 2499.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of Reserve Bank of India, hereby declares that the provisions of Section 13 and 15 (1) of the said Act shall not apply, for a period of five years from the date of this Notification to Vijaya Bank.

[F. No. 11/15/2001-BOA]

D. P. BHARDWAJ, Under Secy.

नई दिल्ली, 26 अगस्त, 2003

का.आ. 2500.—बैंककारी विनियमन अधिनियम, 1949

(1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबंध उस सीमा तक वैश्य बैंक तिं, बैंगलूर पर 31 अक्टूबर, 2003 तक की अवधि के लिए लागू नहीं होंगे, जहां तक उनका संबंध गिरवीदार के रूप में मैसर्स टैंजेराइन इन्फोर्मेटिक तिं. की कंपनी की प्रदत्त पूँजी से 30% से अधिक की शेयरधारिता से है।

[फ. सं. 13/6/2003-बीओए]

डॉ. पी. भारद्वाज, अवर सचिव

New Delhi, the 26th August, 2003

S. O. 2500.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of

1949) the Central Government on the recommendation of Reserve Bank of India, hereby declares that provisions of Sub-section (2) of Section 19 of the said Act, shall not apply to the Vysya Bank Ltd., Bangalore for a period upto 31st October, 2003 in so far as they relate to its holding of the shares of M/s. Tangerine Informatique Ltd., in excess of 30% of the paid up share capital of the company as pledgee.

[F. No. 13/6/2001-BOA]

D. P. BHARDWAJ, Under Secy.

(व्यव विभाग)

नई दिल्ली, 26 अगस्त, 2003

का.आ. 2501.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के वित्त मंत्रालय (व्यव विभाग) की अधिसूचना सं. का.आ. 4081 तारीख 18 अक्टूबर, 1976, का.आ. 5208, तारीख 30 अक्टूबर, 1985, का.आ. 5209 तारीख 30 अक्टूबर, 1985, का.आ. 5211 तारीख 30 अक्टूबर, 1985, का.आ. 5212 तारीख 30 अक्टूबर, 1985 का.आ. 4188 तारीख 9 दिसम्बर, 1986, का.आ. 1616 तारीख 12 मई, 1988 और का.आ. 3379, 24 सितंबर, 1994 को उन बारों के सिवाय अधिकान्त करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने से लोप किया गया है, नीचे सारणी के संबंध (1) में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है, जो उक्त सारणी के संबंध (2) में तत्स्थानी प्रविष्टि में तिनिर्दिष्ट सरकारी स्थानों के संबंध में अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन, सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन करेगा अर्थात् :—

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
1	2
ज्येष्ठ उप महालेखाकार या उस दशा में जहाँ ऐसा कोई ज्येष्ठ उप महालेखाकार नियुक्त नहीं किया गया है, वहाँ उप महालेखाकार (प्रशासन) प्रधान महालेखाकार (लेखा परीक्षा)-I का कार्यालय, राजस्थान, जयपुर, मध्य प्रदेश, ग्वालियर, महाराष्ट्र मुंबई, उत्तर प्रदेश, इलाहाबाद के प्रशासनिक नियंत्रण के अधीन	प्रधान महालेखाकार (लेखा परीक्षा)-I राजस्थान, जयपुर, मध्य प्रदेश, ग्वालियर, महाराष्ट्र मुंबई, उत्तर प्रदेश, इलाहाबाद के प्रशासनिक नियंत्रण के अधीन परिसर।
ज्येष्ठ उप महालेखाकार या उस दशा में जहाँ ऐसा कोई ज्येष्ठ उप महालेखाकार नियुक्त नहीं किया गया है, वहाँ उप महालेखाकार (प्रशासन) प्रधान महालेखाकार (लेखा परीक्षा) मेघालय, अरुणाचल प्रदेश	प्रधान महालेखाकार (लेखा परीक्षा) मेघालय, अरुणाचल प्रदेश, मिजोरम, शिलांग, पश्चिम बंगाल, कोलकाता, पंजाब, चंडीगढ़, असम, गुवाहाटी के प्रशासनिक नियंत्रण के अधीन

1	2
और मिजोरम, शिलांग, पश्चिमी बंगाल, कोलकाता, पंजाब, चंडीगढ़, असम, गुवाहाटी का कार्यालय	परिसर

[फा. सं. ए-11013/1/2003-ई.जी.]
महेन्द्र कुमार, उप सचिव

(Department of Expenditure)

New Delhi, the 26th August, 2003

S. O. 2501.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971) and in supersession of the notifications of Government of India in the Ministry of Finance (Department of Expenditure) numbers S.O. 4081 dated 18th October, 1976, S.O. 5208 dated 30th October, 1985, S.O. 5209 dated 30th October, 1985, S.O. 5211 dated 30th October, 1985, S.O. 5212 dated 30th October, 1985, S.O. 4188 dated the 9th December, 1986, S.O. 1616 dated 12th May, 1988 and S.O. 3379 dated 24th September, 1994 except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being a gazetted officers of that Government to be the estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act, within the local limits of their jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said Table, namely :—

TABLE

Designation of the officer	Categories of the public premises and local limits of jurisdiction
(1)	(2)
Senior Deputy Accountant General or in case where no Senior Deputy Accountant General is so appointed, the Deputy Accountant General (Administration), Office of the Principal Accountant General (Audit)-I, Rajasthan, Jaipur Madhya Pradesh, Gwalior, Maharashtra, Mumbai, Uttar Pradesh, Allahabad.	Premises under the administrative control of the Principal Accountant General (Audit)-I, Rajasthan, Jaipur Madhya Pradesh, Gwalior, Maharashtra, Mumbai, Uttar Pradesh, Allahabad.
Senior Deputy Accountant General or in case where no Senior Deputy Accountant General is so appointed, the Deputy Accountant General (Administration), Office of the Principal Accountant General (Audit) Meghalaya, Arunachal Pradesh, Mizoram, Shillong, West Bengal, Kolkata, Punjab,	Premises under the administrative control of the Principal Accountant General (Audit) Meghalaya, Arunachal Pradesh, Mizoram, Shillong, West Bengal, Kolkata, Punjab,

(1)	(2)
(Audit), Meghalaya, Arunachal Pradesh and Mizoram, Sillong, West Bengal, Kolkata, Punjab, Chandigarh, Assam, Guwahati.	Chandigarh, Assam, Guwahati.

[F. No. A-11013/1/2003-EG]

MAHENDRA KUMAR, Dy. Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 28 अगस्त, 2003

का.आ. 2502.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतदद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2004 तक डिस्ट्रिक्ट को-ऑपरेटिव बैंक लि., देहरादून, उत्तरांचल पर लागू नहीं होंगे।

[फा. सं. 1(26)/2003-ए.सी.]

मंगल मरांडी, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 28th August, 2003

S. O. 2502.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of Sub-section (1) of Section 11 of the said Act, shall not apply to District Co-operative Bank Ltd., Dehradun, Uttranchal, from the date of publication of this notification in the Official Gazette till 31 March, 2004.

[F. No. 1(26)/2003-AC]

MANGAL MARANDI, Under Secy.

विदेश मंत्रालय

(सी. पी. बी. प्रभाग)

नई दिल्ली, 28 अगस्त, 2003

का.आ. 2503.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वाँ) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतदद्वारा भारत का राजदूतावास मस्कत में श्रीमती पुसपालबि सिरकार को 26-8-2003 से सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/01/2003]

उपेन्द्र सिंह रावत, अवर सचिव (कौन्सुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. Division)

New Delhi, the 26th August, 2003

S. O. 2503.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Smt. Puspalabi Sircar, Assistant in the Embassy of India, Muscat to perform the duties of Assistant Consular Officer with effect from 26-8-2003.

[No. T. 4330/01/2003]

U. S. RAWAT, Under Secy. (Cons.)

नई दिल्ली, 26 अगस्त, 2003

का.आ. 2504.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वाँ) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतदद्वारा भारत का राजदूतावास बर्लिन में श्री संजीव मनचन्दा को 26-8-2003 से सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/01/2003]

उपेन्द्र सिंह रावत, अवर सचिव (कौन्सुलर)

New Delhi, the 26th August, 2003

S.O. 2504.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Sanjeev Manchanda, Assistant in the Assistant Embassy of India, Berlin to perform the duties of Assistant Consular Officer with effect from 26-08-2003.

[No. T. 4330/01/2003]

U. S. RAWAT, Under Secy. (Cons.)

संचार और सूचना प्रौद्योगिकी मंत्रालय

(डाक विभाग)

नई दिल्ली, 28 अगस्त, 2003

का.आ. 2505.—राजभाषा नियम, (संघ के शासकीय प्रयोजन के लिए प्रयोग), 1976 के नियम 10 के उप नियम (4) के अनुसरण में केन्द्र सरकार, डाक विभाग के अधीनस्थ कार्यालय डाकघर कटरा, जम्मू एवं कश्मीर सर्किल, जम्मू को जिनके 80 प्रतिशत कर्मचारियों (ग्रुप घ कर्मचारियों को छोड़कर) ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. 11017-2/2003-रा.भा.]

डॉ. पुष्पलता सिंह, निदेशक (राजभाषा)

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Posts)

New Delhi, the 28th August, 2003

S. O. 2505.—In pursuance of Rule 10(4) of the Official Language (use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies Post Office, Katra subordinate office of the Department of

Posts where 80 per cent staff has acquired the working knowledge of Hindi.

[No. 11017-2-2003-OL]
Dr. PUSHPLATA SINGH, Director (OL)

(डाक जीवन बीमा निदेशालय)

नई दिल्ली, 5 अगस्त, 2003

का. आ. 2506.—राष्ट्रपति डाकघर बीमा निधि नियमावली के नियम 3 में निम्नलिखित संशोधन करते हैं।

किसी व्यक्ति द्वारा ली गई सभी डाक जीवन बीमा पॉलिसियों की बीमा राशि की कुल मिलाकर अधिकतम सीमा आजीवन बीमा एवं बंदोबस्ती बीमा पॉलिसियों के संबंध में 5 लाख रु. से बढ़ाकर 10 लाख रु. कर दी जाएगी।

डाक जीवन बीमा पॉलिसियों हेतु दस लाख रु. की बीमा राशि की सीमा तीन वर्ष की अवधि के लिए प्रभावी होगी और उसके बाद उसकी पुनरीक्षा की जाएगी।

पूर्वोक्त नियम 3 में संशोधन इसके जारी होने की तारीख से प्रभावी होगा।

इस अधिसूचना द्वारा संशोधित नियम संलग्न है।

[सं. 25-3/2003-एल आई]

वी. पति, उप महाप्रबन्धक

डाकघर बीमा निधि नियमावली का संशोधित नियम 3

नियम 3 : कोई व्यक्ति जो नियम 2, 2-क, 2-ख अथवा 2-ग के अधीन डाकघर बीमा निधि का लाभ पाने का पत्र है, अपने जीवन का जीवन बीमा, बंदोबस्ती बीमा, परिवर्तनीय आजीवन बीमा, प्रत्याशित बंदोबस्ती बीमा या युगल सुरक्षा बीमा अथवा सभी बीमे करवा सकता है जो प्रत्येक ब्रेणी में कम से कम 20,000/- रु./10,000/- रु. की राशि के होने चाहिए, लेकिन आजीवन बीमा और बंदोबस्ती बीमा के संबंध में कुल मिलाकर दस लाख रु. तथा अन्य बीमाओं के संबंध में बीमा की सभी ब्रेणियों को एक साथ मिलाकर पांच लाख रु. से अधिक नहीं होने चाहिए।

टिप्पणी : 1 उपर्युक्त अधिकतम सीमाओं की गणना करने के लिए, अधिकृत पॉलिसियों और परिपक्वता पर जिनका भुगतान ले लिया गया है (आजीवन और बंदोबस्ती को छोड़कर), उन्हें हिसाब में नहीं लिया जाएगा। पांच लाख रु. से अधिक की बीमा राशि का आजीवन एवं बंदोबस्ती बीमा निम्नलिखित शर्तों के अध्यधीन होगा :—

- (क) उसकी आयु 50 वर्ष (अगला जन्म दिवस) से अधिक नहीं होनी चाहिए;
- (ख) अंतिम पॉलिसी, जिससे बीमा राशि दस लाख रु. बनती है, के प्रीमियम का भुगतान करने की न्यूनतम अवधि दस वर्ष होगी।
- (ग) प्रीमियम के भुगतान, जीपीएफ/सीपीएफ में अंशदान, आयकर, ग्रह ऋण की किसी तथा अन्य भुगतान के लिए अदा की जाने वाली कुल राशि उसकी मासिक आय के

60% से अधिक नहीं होनी चाहिए तथा इस आशय की घोषणा की जाएगी।

(घ) उसने पहले कोई डाक जीवन बीमा पॉलिसी अध्यर्पित नहीं की है। इस आशय की घोषणा की जाएगी।

(Directorate of Postal Life Insurance)

New Delhi, the 5th August, 2003

S.O. 2506.—The President is pleased to make the following amendments to Rule 3 of Post Office Insurance Fund Rules.

The maximum limit of sum assured of all PLI policies taken together by a person shall be raised from Rs. five lac to Rs. ten lac in respect of Whole Life Assurance and Endowment Assurance policies.

The limit of sum assured of Rs. ten lac for PLI policies will be effective for a period of three years and shall be reviewed thereafter.

The amendment to Rule 3 ibid shall be effective from the date of issue. Hindi version will follow.

The amended Rule by this notification is appended.

[No. 25-3/2003-LI]

V. PATI, Dy. General Manager

AMENDED RULE 3 OF POIF RULES

Rule 3 : Any person who is eligible to the benefit of the Post Office Insurance Fund under Rule 2, 2-A, 2-B or 2-C, may effect an insurance—Life Assurance, Endowment Assurance, Convertible Whole Assurance, Anticipated Endowment Assurance or Yugal Suraksha or all of them on his life for a sum not less than Rs. 20,000/10,000 in each class but not more than an aggregate of Rs. ten lac in respect of Whole Life Assurance and Endowment Assurance and Rs. five lac in respect of other insurance taken all classes of insurance together.

Note : 1 In calculating the aforesaid maximum limits, the policies that have been surrendered and taken payment on maturity (except Whole Life and Endowment) will not be taken into account. The Whole Life and Endowment Assurance of sum assured of more than Rs. five lac, will be subject to following conditions :—

- (a) His/her age should not exceed 50 years (Next Birth Day);
- (b) The minimum premium paying period of the last policy, which makes the sum assured as Rs. ten lac, will be ten years.
- (c) Aggregate outgo against payment of premium, contribution to GPF/CPF, income tax, installments of housing loan and other payment does not exceed 60% of his/her monthly income and a declaration will be made to this effect.

(d) He/she has not surrendered any PLI policy in the past. A declaration is to be given to this effect.

नई दिल्ली, 18 अगस्त, 2003

का. आ. 2507.—राष्ट्रपति नियम 2, 2-क, 2-ख अथवा पूर्वोक्त 2-ग के अधीन पात्र व्यक्ति द्वाय डाक जीवन बीमा आजीवन बीमा (सुरक्षा) और बंदेबस्तो बीमा (संतोष) पॉलिसी कराने के प्रयोजन से अधिकतम आयु सीमा बढ़ाने के लिए डाकघर बीमा निधि नियमावली के नियम 5 तथा उससे संलग्न तालिका-I और तालिका-II में सहर्ष संशोधन करते हैं। इन पॉलिसियों के लिए अधिकतम आयु सीमा 55 वर्ष होगी।

2. यह संशोधन इसके जारी होने की तारीख से प्रभावी होगा।

[सं. 25-5/2003-एलआई]

वी. पति, उप महाप्रबन्धक

तालिका-I

डाकघर बीमा निधि-1 अक्टूबर, 1983 से प्रवृत्त प्रीमियम

सम्पूर्ण जीवन बीमा के लिए बीमा

(1000/- रु. के बीमा के लिए मासिक प्रीमियम)

प्रवेश के समय आयु	प्रीमियम समाप्त होने की आयु	प्रवेश के समय आयु
1	2	3
19	55	58
19	1.50	1.45
20	1.55	1.50
21	1.60	1.55
22	1.65	1.60
23	1.70	1.65
24	1.75	1.70
25	1.80	1.75
26	1.85	1.80
27	1.95	1.85
28	2.05	1.90
29	2.15	2.00
30	2.25	2.10
31	2.35	2.20
32	2.45	2.30
33	2.55	2.40
34	2.70	2.50
35	2.85	2.65
36	3.00	2.65
37	3.20	2.95
38	3.40	3.10
39	3.60	3.25
40	3.85	3.45
41	4.15	3.65
42	4.50	3.90
	3.65	4.25
		42

1	2	3
43	4.90	4.20
44	5.35	4.50
45	5.90	4.85
46	6.55	5.30
47	7.35	5.80
48	8.40	6.35
49	9.80	7.05
50	11.75	7.90
51	9.80	8.27
52	11.30	9.21
53	13.24	10.37
54		11.89
55		13.98

टिप्पणी 1 : इस तालिका के प्रयोजन के लिए 'प्रवेश के समय आयु' का अभिप्राय प्रथम प्रीमियम की भुगतान की तारीख के बाद पड़ने वाले अगले जन्मदिन पर होने वाली आयु से है।

2 : 20,000/- रु. या इससे अधिक राशि की आलिसी के लिए प्रति 20,000/- बीमाकृत राशि पर एक रुपए की छूट दी जाती है।

3 : जहां कहीं भी निकाला गया प्रीमियम पूर्ण रूपयों में न हो, वहां यदि रुपए का अंश 50 पैसे या अधिक होने पर अगले रुपए में लिया जाएगा और 50 पैसे से कम होने पर छोड़ दिया जाएगा।

तालिका-II

डाकघर बीमा निधि-1 अक्टूबर, 1983 से प्रवृत्त प्रीमियम
साधारण बीमा के लिए बीमा

(1000/- रु. के बीमा के लिए मासिक प्रीमियम)

प्रवेश के समय आयु	प्रीमियम समाप्त होने की आयु	प्रवेश के समय आयु
1	2	3
19	35	40
19	5.10	3.75
20	5.45	3.95
21	5.85	4.20
22	6.35	4.45
23	6.95	4.75
24	7.60	5.10
25	8.40	5.45
26	9.40	5.85
27	10.65	6.35
28	12.20	6.95
29	14.30	7.60
30	17.25	8.40
31	9.40	5.90
32	10.65	6.40
	4.25	4.50
		3.45
		3.05
		2.80

33	12.20	6.95	4.80	3.65	3.20	2.90	33
34	14.30	7.65	5.15	3.85	3.35	3.05	34
35	17.25	8.45	5.50	4.05	3.50	3.20	35
36		9.45	5.95	4.30	3.70	3.35	36
37		10.65	6.45	4.60	3.90	3.55	37
38		12.25	7.00	4.90	4.15	3.75	38
39		14.35	7.70	5.20	4.40	3.95	39
40		17.30	8.50	5.60	4.65	4.20	40
41			9.50	6.05	4.95	4.45	41
42			10.75	6.55	5.30	4.70	42
43			12.35	7.15	5.70	5.00	43
44			14.45	7.80	6.15	5.35	44
45			17.40	8.65	6.65	5.75	45
46				9.65	7.25	6.20	46
47				10.90	7.95	6.75	47
48				12.50	8.75	7.30	48
49				14.60	9.75	8.00	49
50				17.55	11.00	8.85	50
51					13.06	10.49	51
52					15.07	11.71	52
53					17.84	13.24	53
54						15.25	54
55						18.01	55

टिप्पणी 1 : इस तालिका के प्रयोजन के लिए 'प्रवेश के समय आयु' का अधिकार प्रथम प्रीमियम की भुगतान की तारीख के बाद पड़ने वाले अगले अन्यदिन पर होने वाली आयु से है।

2 : 20,000/- रु. या इससे अधिक राशि की पालिसी के लिए प्रति 20,000/- ग्रीमाकूर राशि पर एक रुपए की छूट दी जाती है।

3 : जहां कहीं भी निकाला गया प्रीमियम पूर्ण रुपमें न हो, वहां यदि रुपए का अंश 50 पैसे या अधिक होने पर अगले रुपए में लिया जाएगा और 50 पैसे से कम होने पर छोड़ दिया जाएगा।

New Delhi, the 18th August, 2003

S. O. 2507.—The President is pleased to amend Rule 5 of POIF Rules and Table-I and Table-II appended thereto for enhancing the upper age limit for effecting a PLI Whole Life Assurance (Suraksha) and Endowment Assurance (Santosh) policy by a person eligible under Rule 2, 2-A, 2-B or 2-C ibid. The upper age limit for these policies will be 55 years.

2. This amendment will be effective from the date of issue.

3. Hindi version is enclosed.

[No. 25-5/2003-LI]

V. PATI, Dy. General Manager

TABLE—I
POST OFFICE INSURANCE FUND—PREMIUMS IN
FORCE FROM THE 1st OCTOBER-1983 WHOLE
LIFE ASSURANCES
(MONTHLY PREMIUMS FOR AN ASSURANCE OF
Rs. 1000/-)

Age at Entry	Premium closing at age of		Age at Entry
	1	2	
19	55	58	60
20	1.50	1.45	1.40
21	1.55	1.50	1.45
22	1.60	1.55	1.50
23	1.65	1.60	1.55
24	1.70	1.65	1.60
25	1.75	1.70	1.65
26	1.80	1.75	1.70
27	1.85	1.80	1.75
28	1.90	1.85	1.80
29	1.95	1.90	1.85
30	2.00	1.95	1.90
31	2.05	2.00	1.95
32	2.10	2.05	2.00
33	2.15	2.10	2.05
34	2.20	2.15	2.10
35	2.25	2.20	2.15
36	2.30	2.25	2.20
37	2.35	2.30	2.25
38	2.40	2.35	2.30
39	2.45	2.40	2.35
40	2.50	2.45	2.40
41	2.55	2.50	2.45
42	2.60	2.55	2.50
43	2.65	2.60	2.55
44	2.70	2.65	2.60
45	2.75	2.70	2.65
46	2.80	2.75	2.70
47	2.85	2.80	2.75
48	2.90	2.85	2.80
49	2.95	2.90	2.85
50	3.00	2.95	2.90
51	3.05	3.00	2.95
52	3.10	3.05	3.00
53	3.15	3.10	3.05
54	3.20	3.15	3.10
55	3.25	3.20	3.15

Note 1 : For the purpose of this table "Age at Entry" means the age next birthday on the date of payment of the first premium.

Note 2 : For a policy of Rs. 20,000/- or above, rebate @ Rupee 1/- per month for each Rs. 20,000/- sum assured is allowed.

Note 3 : Wherever the monthly premium arrived at for a policy is in a fraction of Rupee, it will be rounded off to next whole Rupee if fraction is 50 paise or more and if fraction is less than 50 paise, it will be ignored.

TABLE-II

POST OFFICE INSURANCE FUND—PREMIUMS IN FORCE FROM THE 1st OCTOBER-1983 ENDOWMENT ASSURANCES

(MONTHLY PREMIUMS FOR AN ASSURANCE OF Rs. 1000/-)

Age at Entry	Maturity Age						Age at Entry
	1	2	3	4	5	6	
	35	40	45	50	55	58	60
19	5.10	3.75	2.95	2.40	2.00	1.85	1.75
20	5.45	3.95	3.10	2.50	2.05	1.90	1.80
21	5.85	4.20	3.25	2.60	2.10	1.95	1.85
22	6.35	4.45	3.40	2.70	2.20	2.00	1.90
23	6.95	4.75	3.55	2.80	2.30	2.05	1.95
24	7.60	5.10	3.75	2.95	2.40	2.15	2.00
25	8.40	5.45	3.95	3.10	2.50	2.25	2.10
26	9.40	5.85	4.20	3.25	2.60	2.35	2.20
27	10.65	6.35	4.45	3.40	2.70	2.45	2.30
28	12.20	6.95	4.75	3.60	2.85	2.55	2.40
29	14.30	7.60	5.10	3.80	3.00	2.65	2.50
30	17.25	8.40	5.45	4.00	3.15	2.75	2.60
31	9.40	5.90	4.25	3.30	2.90	2.70	31
32	10.65	6.40	4.50	3.45	3.05	2.80	32
33	12.20	6.95	4.80	3.65	3.20	2.90	33
34	14.30	7.65	5.15	3.85	3.35	3.05	34
35	17.25	8.45	5.50	4.05	3.50	3.20	35
36		9.45	5.95	4.30	3.70	3.35	36
37		10.65	6.45	4.60	3.90	3.55	37
38		12.25	7.00	4.90	4.15	3.75	38
39		14.35	7.70	5.20	4.40	3.95	39
40		17.30	8.50	5.60	4.65	4.20	40
41			9.50	6.05	4.95	4.45	41
42			10.75	6.55	5.30	4.70	42
43			12.35	7.15	5.70	5.00	43
44			14.45	7.80	6.15	5.35	44
45			17.40	8.65	6.65	5.75	45
46				9.65	7.25	6.20	46

1	2	3	4
47	10.90	7.95	6.75
48	12.50	8.75	7.30
49	14.60	9.75	8.00
50	17.55	11.00	8.85
51		13.06	10.49
52		15.07	11.71
53		17.84	13.24
54			15.25
55			18.01

Note 1 : For the purpose of this table "Age at Entry" means the age next birthday on the date of payment of the first premium.

Note 2 : For a policy of Rs. 20000/- or above, rebate @ Rupee 1/- per month for each Rs. 20000/- sum assured is allowed.

Note 3 : Wherever the monthly premium arrived at for a policy is in a fraction of Rupee, it will be rounded off to next whole Rupee if fraction is 50 paise or more and if fraction is less than 50 paise, it will be ignored.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 31 जुलाई, 2003

का.आ. 2508.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठिंत चलचित्रिकी अधिनियम, 1952 (1952 की 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस विषय पर मंत्रालय के पहले के आदेशों के अनुक्रम में केन्द्र सरकार, इस मंत्रालय के दिनांक 24-3-2001 के आदेशों के तहत गठित केन्द्रीय फिल्म प्रमाणन बोर्ड, बंगलौर के स्वास्थ्यकार पैनल के सदस्यों को दिनांक 30-9-2003 तक अथवा अगले आदेश तक, जो भी पहले हो, पुनः नियुक्त करती है।

[फ. सं. 809/3/2000-एफ (सी)]

पी. पी. नायर, अनुभाग अधिकारी

**MINISTRY OF INFORMATION AND
BROADCASTING**

New Delhi, the 31st July, 2003

S. O. 2508.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, and in continuation of this Ministry's earlier Orders on the subject, the Central Government is pleased to re-appoint upto 30-9-03 or until further orders, whichever is earlier the members of the Advisory Panel of the Central Board of Film Certification at Bangalore, which was constituted vide this Ministry's orders dated the 24-3-2001.

[F. No. 809/3/2000-F(C)]

P. P. NAIR, Section Officer

नई दिल्ली, 31 जुलाई, 2003

का० आ० 2509.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस विषय पर मंत्रालय के पहले के आदेशों के अनुक्रम में केन्द्र सरकार, इस मंत्रालय के दिनांक 24-3-2001 के आदेशों के तहत गठित केन्द्रीय फिल्म प्रमाणन बोर्ड, मुम्बई के सलाहकार पैनल के सदस्यों को दिनांक 30-9-2003 तक अथवा अगले आदेश तक, जो भी पहले हो, पुनः नियुक्त करती है।

[फा. सं. 809/2/2001-एफ (सी)]

पी. पी. नायर, अनुभाग अधिकारी

New Delhi, the 31st July, 2003

S. O. 2509.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, and in continuation of this Ministry's earlier Orders on the subject, the Central Government is pleased to re-appoint upto 30-9-2003 or until further orders, whichever is earlier the members of the Advisory Panel of the Central Board of Film Certification at Mumbai, which was constituted vide this Ministry's orders dated the 13-6-2001.

[F. No. 809/2/2001-F(C)]

P. P. NAIR, Section Officer

नई दिल्ली, 31 जुलाई, 2003

का० आ० 2510.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस विषय पर मंत्रालय के पहले के आदेशों के अनुक्रम में केन्द्र सरकार, इस मंत्रालय के दिनांक 24-3-2001 के आदेशों के तहत गठित केन्द्रीय फिल्म प्रमाणन बोर्ड, चैन्नई के सलाहकार पैनल के सदस्यों को दिनांक 30-9-2003 तक अथवा अगले आदेश तक, जो भी पहले हो, पुनः नियुक्त करती है।

[फा. सं. 809/5/2000-एफ (सी)]

पी. पी. नायर, अनुभाग अधिकारी

New Delhi, the 31st July, 2003

S. O. 2510.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, and in continuation of this Ministry's earlier Orders on the subject, the Central Government is pleased to re-appoint upto 30-9-2003 or until further orders, whichever is earlier the members of the Advisory Panel of the Central Board of Film Certification at Chennai, which was constituted vide this Ministry's orders dated the 24-3-2001.

[F. No. 809/5/2000-F(C)]

P. P. NAIR, Section Officer

नई दिल्ली, 31 जुलाई, 2003

का० आ० 2511.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस विषय पर मंत्रालय के पहले के आदेशों के अनुक्रम में केन्द्र सरकार, इस मंत्रालय के दिनांक 24-3-2001 के आदेशों के तहत गठित केन्द्रीय फिल्म प्रमाणन बोर्ड, कोलकाता के सलाहकार पैनल के सदस्यों को दिनांक 30-9-2003 तक अथवा अगले आदेश तक, जो भी पहले हो, पुनः नियुक्त करती है।

[फा. सं. 809/7/2000-एफ (सी)]

पी. पी. नायर, अनुभाग अधिकारी

New Delhi, the 31st July, 2003

S. O. 2511.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, and in continuation of this Ministry's earlier Orders on the subject, the Central Government is pleased to re-appoint upto 30-9-2003 or until further orders, whichever is earlier the members of the Advisory Panel of the Central Board of Film Certification at Kolkata, which was constituted vide this Ministry's orders dated the 24-3-2001.

[F. No. 809/7/2000-F(C)]

P. P. NAIR, Section Officer

नई दिल्ली, 31 जुलाई, 2003

का० आ० 2512.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस विषय पर मंत्रालय के पहले के आदेशों के अनुक्रम में केन्द्र सरकार, इस मंत्रालय के दिनांक 24-3-2001 के आदेशों के तहत गठित केन्द्रीय फिल्म प्रमाणन बोर्ड, तिरुवनन्तपुरम के सलाहकार पैनल के सदस्यों को दिनांक 30-9-2003 तक अथवा अगले आदेश तक, जो भी पहले हो, पुनः नियुक्त करती है।

[फा. सं. 809/6/2000-एफ (सी)]

पी. पी. नायर, अनुभाग अधिकारी

New Delhi, the 31st July, 2003

S. O. 2512.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, and in continuation of this Ministry's earlier Orders on the subject, the Central Government is pleased to re-appoint upto 30-9-2003 or until further orders, whichever is earlier the members of the Advisory Panel of the Central Board of Film Certification at Thiruvananthapuram, which was constituted vide this Ministry's orders dated the 24-3-2001.

[F. No. 809/6/2000-F(C)]

P. P. NAIR, Section Officer

नई दिल्ली, 31 जुलाई, 2003

का० आ० 2513.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इस विषय पर मंत्रालय के पहले के आदेशों के अनुक्रम में केन्द्र सरकार, इस मंत्रालय के दिनांक 24-3-2001 के आदेशों के तहत गठित केन्द्रीय फिल्म प्रमाणन बोर्ड, कटक के सलाहकार पैनल के सदस्यों को दिनांक 30-9-2003 तक अथवा अगले आदेश तक, जो भी पहले हो, पुनः नियुक्त करती है।

[फा. सं. 809/2/2000-एफ (सी)]

पी. पी. नायर, अनुभाग अधिकारी

New Delhi, the 31st July, 2003

S. O. 2513.—In exercise of the powers conferred by Sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, and in continuation of this Ministry's earlier Orders on the subject, the Central Government is pleased to re-appoint upto 30-9-2003 or until further orders, whichever is earlier the members of the Advisory Panel of the Central Board of Film Certification at Cuttack, which was constituted vide this Ministry's orders dated the 13-6-2001.

[F. No. 809/2/2000-F(C)]

P. P. NAIR, Section Officer

वाणिज्य एवं उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 22 अगस्त, 2003

का० आ० 2514.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में वाणिज्य विभाग के अंतर्गत आने वाले निम्नलिखित कार्यालयों को अधिसूचित करती है, जिसके 80% से अधिक कर्मचारीवृद्धि ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है :—

- भारतीय निर्यात छान गारंटी निगम लि.
7वीं मंजिल, स्पेन्सर टावर्स,
770 अना सालै,
चैनई-600002
- रल तथा आभूषण निर्यात संवर्धन परिषद्,
क्षेत्रीय कार्यालय,
राजस्थान चैम्बर भवन,
तृतीय तल, एम०आई० रोड़,
जयपुर—302003

[सं. ई-11013/3/99-हिन्दी]

एल. पी. सैनी, निदेशक (राजभाषा)

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 22nd August, 2003

S. O. 2514.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices whereof more than 80% Staff have acquired a working knowledge of Hindi :—

- Export Credit Guarantee Corporation of India Ltd.
7th Floor, Spancer Towers,
770 Anna Slai,
Chennai-600 002.
- Jem and Jewellery Export Promotion Council,
Regional Office,
Rajasthan Chamber Bhawan,
3rd Floor M.I. Road,
Jaipur-302 003.

[No. E-11013/3/99-Hindi]

L. P. SAINI, Director (O.L.)

उपभोक्ता मामले, साधू और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 25 अगस्त, 2003

का० आ० 2515.—केन्द्रीय सरकार का, मै. एशियन पेन्ड्स इंडिया लिमिटेड, 6ए, शान्ति नगर, सान्ताकुज (पू.) मुम्बई-400055 द्वारा दिए गए तकनीकी आंकड़ों और जानकारी पर विचार करने के पश्चात् यह समाधान हो गया है कि तकनीकी कारणों से उक्त कंपनी के लिए बाट और माप मानक (पैक की गई वस्तुएं) नियम, 1977 की तीसरी अनुसूची में व्यविधिनिर्दिष्ट मानक परिमाण में पेन्टों के लिए उनकी पूर्णतः स्वचालित कंप्यूटरीकृत डिस्पेक्सिंग मशीन के माध्यम से परिदान के लिए पेन्टों को पहले पैक करना संभव नहीं है;

और, पूर्णतः स्वचालित कंप्यूटरीकृत और यांत्रिक डिस्पेक्सिंग मशीन चयनित शेड तैयार करने के लिए एक या अधिक रंगक (कों) का मिश्रण करने के लिए डिजाइन की गई है और आधारिक सामग्री पूर्व परिभाषित मात्रा में, पूर्व प्रोग्राम किए गए कंप्यूटर द्वारा नियंत्रित की जाती है;

अतः, अब, केन्द्रीय सरकार, बाट और माप मानक अधिनियम, 1976 (1976 का 60) की धारा 83 के अधीन बनाए गए बाट और माप मानक (पैक की गई वस्तुएं) नियम, 1977 के नियम 5 के परन्तु द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मै. एशियन पेन्ड्स इंडिया लिमिटेड, 6ए, शान्ति नगर, सान्ताकुज (पू.) मुम्बई-400055 को इस अधिसूचना के प्रकाशन की तारीख से 5 वर्ष की अवधि के लिए उक्त कंप्यूटरीकृत मशीन के माध्यम से परिदान किए जाने वाले पेन्ट के निर्माण के लिए

पेन्टों की आधारिक सामग्री को 450 मि.ली., 900 मि.ली., 3.60 लीटर, 9 लीटर और 18 लीटर के आकार में पहले पैक करने के लिए निम्नलिखित शर्तों के अध्यधीन प्राधिकृत करती है, अर्थात् :—

- (i) आधारिक सामग्री के टिन पर, शुद्ध अन्तर्वस्तु के अतिरिक्त, यह स्पष्ट रूप से उल्लिखित किया जाएगा कि वह पेन्ट के लिए आधारिक सामग्री है और तैयार पेन्ट उन रंगक(कों) को मिलाने के पश्चात् तैयार होगा जिन्हें व्यौहारी द्वारा कंप्यूटरीकृत मशीन की सहायता से मिलाया जाएगा।
- (ii) व्यौहारी के परिसर में उपभोक्ताओं की जानकारी के लिए व्यौहारी द्वारा सहज दृश्य स्थान पर, उक्त कंपनी द्वारा यथानियत किए गए, अपेक्षित शेड के लिए रंगक(कों) को मिलाने पर पेन्ट की फुटकर विक्रिय कीमत प्रदर्शित की जाएंगी।
- (iii) व्यौहारी, शेड के नाम के ब्लॉर सहित व्यौहारी का पता और पहचान चिह्न, आधारिक सामग्री में रंगक(कों) को मिलाने के पश्चात्, तैयार पेन्ट की शुद्ध अन्तर्वस्तु, तैयार पेन्ट का विक्रिय मूल्य, पेन्ट की प्रति लीटर कीमत और तारीख के साथ नकद स्पीद या मुद्रित कंप्यूटर पर्ची जारी करेगा।
- (iv) उक्त कंपनी, पेन्ट की शुद्ध अन्तर्वस्तु और उसके शेडों के संबंध में किसी शिकायत के लिए उत्तरदायी होगी।
- (v) आधारिक सामग्री की शुद्ध अन्तर्वस्तु की जांच ऊपर उल्लिखित अनुज्ञात आकारों की बाजत विहित प्रक्रिया के अनुसार, निदेशक, विधिक मोप विज्ञान या प्राधिकृत व्यक्ति द्वारा, विनिर्माता के परिसर में की जाएंगी।
- (vi) अधिकतम फुटकर विक्रिय कीमत के रूप में (जिसमें सभी कर सम्मिलित हैं) आधारिक पेन्ट की फुटकर विक्रिय कीमत आधारिक पेन्ट वाले प्रत्येक पैकेट पर घोषित की जाएगी।

[फा. सं. एम 20(2)/2003]

सतवंत रेड्डी, अपर सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 25th August, 2003

S.O. 2515.—Whereas the Central Government, after considering the technical data and information furnished by M/s. Asian Paints India Limited, 6A, Shanti Nagar, Santacruz (E) Mumbai-400055, is satisfied that for technical reasons it is not possible for the said company to pre-pack paints for delivery through their fully automatic computerised dispensing machine for paints in the standard quantities as specified in the Third Schedule to the Standards of Weights and Measures (Packaged Commodities) Rules, 1977;

And; Whereas, the fully automatic computerised and mechanical dispensing machine is designed to mix one or more colourant(s), to prepare the selected shade, and is controlled by a pre-programmed computer, in a pre-defined quantity of base material;

Now, therefore, in exercise of the powers conferred by the proviso to rule 5 of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 made under section 83 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby authorises M/s. Asian Paints India Limited, 6A, Shanti Nagar, Santacruz (E) Mumbai 400055 to pre-pack base material of paints in size of 450ml, 900ml, 3.60 litres, 9 litres and 18 litres for making paints to be delivered through the said computerised machine, for a period of five years from the date of publication of this notification, subject to the following conditions, namely:—

- (i) On the base material tin, in addition to net content, it shall be clearly mentioned that it is a base material for paint and the final paint shall be after addition of the colourant(s), which shall be added by the dealer with the help of the computerised machine.
- (ii) In the dealer's premises, the dealer shall display the retail sale price of the paint on addition of the colourant(s) for the shade(s) required, as fixed by the said company, at a conspicuous place for the information of the consumers.
- (iii) The dealer shall issue a cash receipt or printed computer slip with address and identification mark of the dealer with details of name of shade, net content of finished paint after addition of colourant(s) to the base material, the sale price of the finished paint, price per litre of the paint and the date.
- (iv) The said company shall be responsible for any complaint in respect of the net content and shades of the paint.
- (v) The net content checking shall be carried out of the base material at manufacturing premises with respect of the above mentioned permitted sizes by the Director, Legal Metrology or the authorized person, according to the prescribed procedure.
- (vi) The retail sale price of the base paint in the form of Maximum Retail Price..... (Inclusive of all taxes) shall be declared on every package containing the base paint.

[F. No. M20(2)/2003]

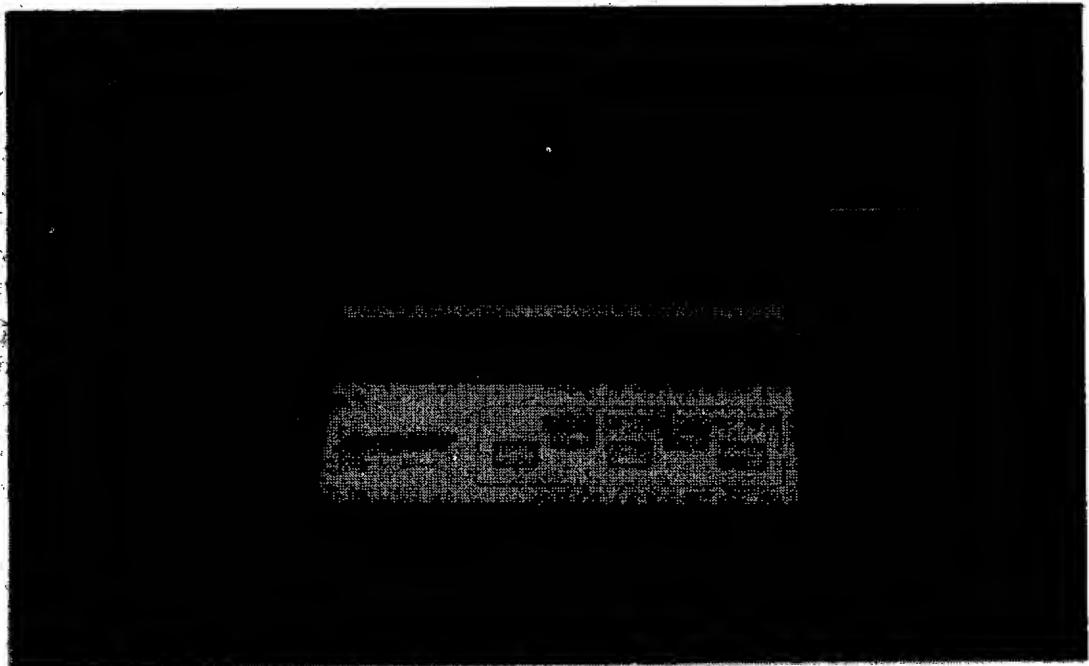
SATWANT REDDY, Addl. Secy.

नई दिल्ली, 28 अगस्त, 2003

का.आ. 2516.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्युक्तों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सैमसुंग इलेक्ट्रॉनिक वेइंग सिस्टम्स, डेंज निवास, अशोक चित्र मंदिर के पिछे, पिंपरीगांव-पुणे-411017 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "एस. ई. डब्ल्यू. एस. टी. टी." शृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (एल. ई. डी.) (टेबल टाप प्रकार) के मॉडल का, जिसके बांड का नाम "सैमसुंग" है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/70 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल स्ट्रेन गेज भार सेल पर आधारित अंकक सूचन सहित तोलन उपकरण है। इसकी अधिकतम क्षमता 10 कि. ग्रा. और सत्यापन मापमान अंतराल का मान 2 ग्राम है और मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) से संबंधित है। प्रदर्श यूनिट प्रकाश उत्सर्जक डायोड (एल. ई. डी.) है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 100 मि. ग्रा. से 2 ग्रा. तक 100 से 1,000 की रेंज में है और 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान 1×10^4 , 2×10^4 या 5×10^4 है जिसमें 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम. 21(153)/2001]

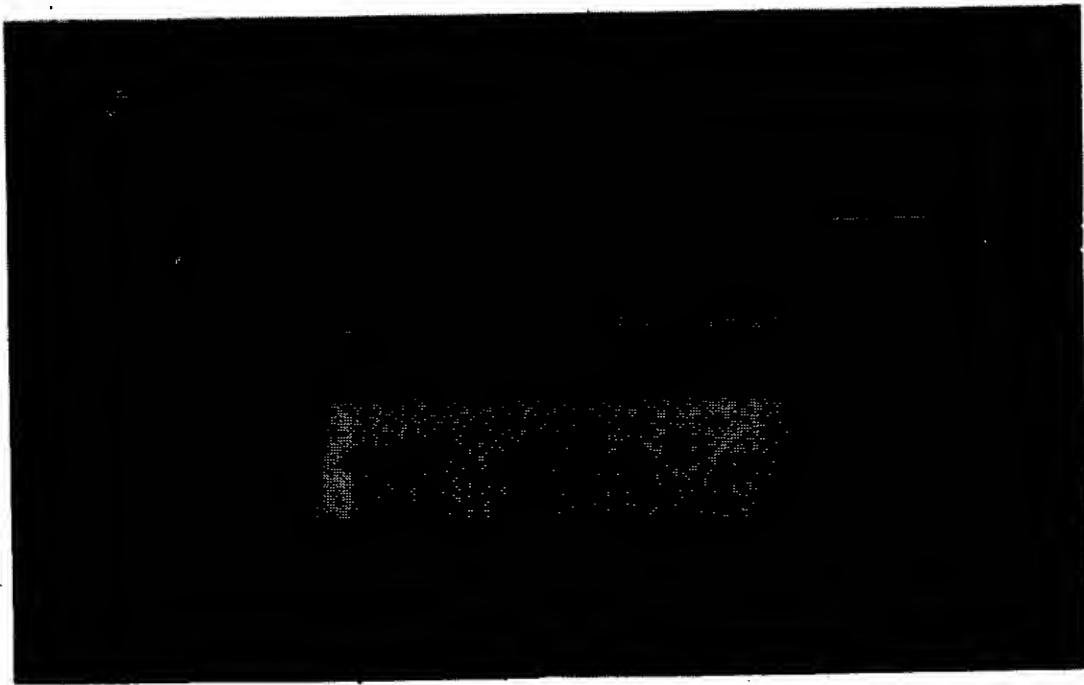
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th August, 2003

S.O. 2516.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of, non-automatic weighing instrument (Table top type) with digital indication of (LED) of medium accuracy (Accuracy class III), SEWS-TT series with brand name "SAMSUNG" (hereinafter referred to as the model), manufactured by M/s. Samsung Electronic Weighing Systems, Dange Niwas, Behind Ashoka Chitra Mandir, Pimprigaon, Pune-411017 and which is assigned the approval mark IND/09/2002/70;

The said model is a strain gauge load cell based weighing instrument (Table top type) with digital indication of maximum capacity of 10 kg and the verification scale interval 'e' is 2g. and belonging to medium class accuracy (accuracy class-III). The display unit is of light emitting diode. The instrument operates on 230 V and 50 Hz alternative current power supply;



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , 'k' being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. WM-21(153)/2001]

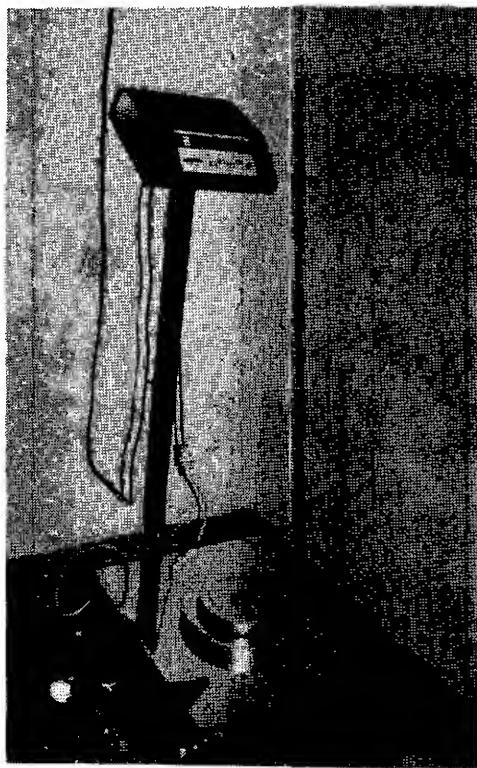
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 28 अगस्त, 2003

का.आ. 2517.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपलब्धों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सैमसुंग इलेक्ट्रॉनिक बैंडिंग सिस्टम्स, डेंज निवास, अशोक चित्र मंदिर के पीछे, पिंपरीगांव-पुणे-411017 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले “एस. ई. डब्ल्यू. एस.” शृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (एल. ई. डी.) (एलेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सैमसुंग” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/71 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (आकृति देखें) अंकक सूचन सहित स्ट्रेन गेज भार सेल पर आधारित तोलन उपकरण (एलेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 150 कि. ग्रा. और सत्यापन मापमान अंतराल का मान 20 ग्राम है। प्रदर्श यूनिट प्रकाश उत्सर्जक डायोड (एल ई डी) है। उपकरण 230 बोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. से 300 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अंतराल (एन) की संखा 5 ग्रा. या अधिक के “ई” मान के लिए 500 से 10,000 की रेंज में है तथा जिनका “ई” मान 1×10^4 , 2×10^4 या 5×10^4 है जिसमें ‘के’ घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम. 21(153)/2001]

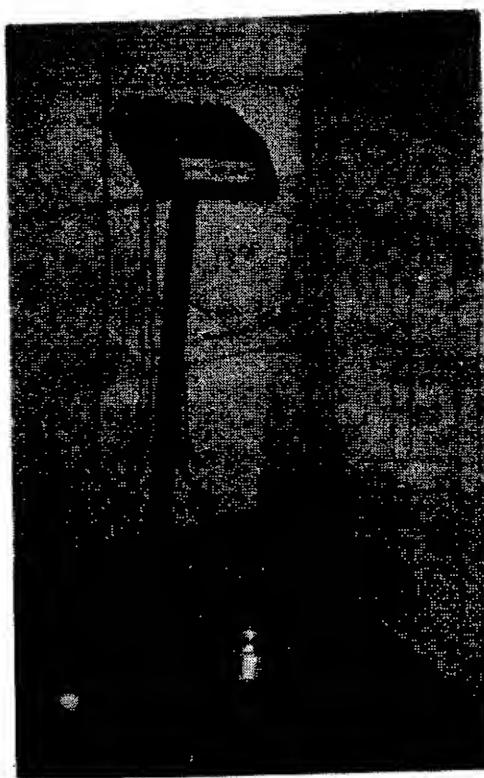
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th August, 2003

S.O. 2517.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of, non-automatic weighing instrument (Platform type) with digital indication of (LED) of medium accuracy (Accuracy class III), SEWS-PT series with brand name "SAMSUNG" (hereinafter referred to as the Model), manufactured by M/s. Samsung Electronic Weighing Systems, Dange Niwas, Behind Ashoka Chitra Mandir, Pimprigaon, Pune-411017 and which is assigned the approval mark IND/09/2002/71;

The said Model is a strain gauge load cell based weighing instrument (Platform type) with digital indication of maximum capacity of 150kg. and the verification scale interval 'e' is 20g. and belonging to medium class accuracy (accuracy class-III). The display unit is of light emitting diode. The instrument operates on 230 Volts and 50 Hertz alternative power supply.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 300kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(153)/2001]

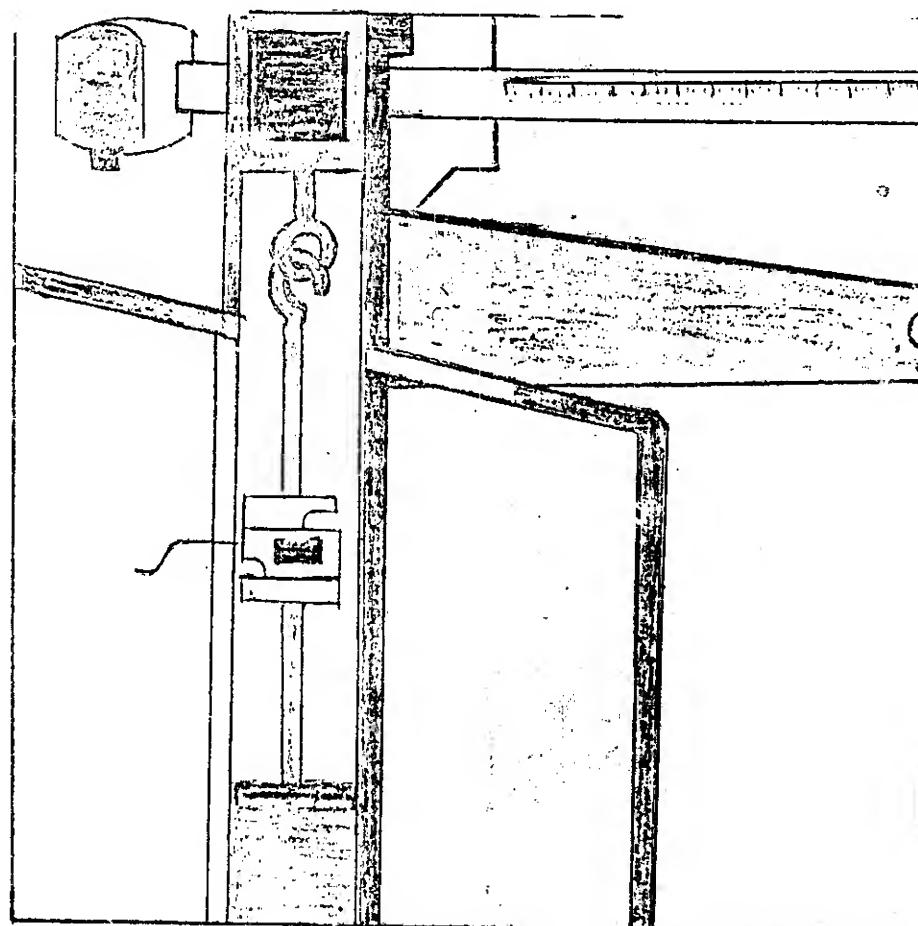
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 28 अगस्त, 2003

का.आ. 2518.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट भर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (७) और उपधारा (८) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सैमसुंग इलेक्ट्रॉनिक वेइंग सिस्टम्स, डेंज निवास, अशोक चित्र मंदिर के पीछे, पिंपरीगांव-पुणे-411017 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले “एस. ई. डब्ल्यू. एस. पी. पी.” शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (एल. ई. डी.) (प्लेटफार्म सपरिवर्तन किट) के मॉडल का, जिसके ब्रांड का नाम “सैमसुंग” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/72 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल स्ट्रेन गेज भार सेल पर आधारित अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म सपरिवर्तन किट) है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और सत्यापन मापमान अंतराल का मान 100 ग्राम है और मध्यम वर्ग (धथार्थता वर्ग 3) से संबंधित है। प्रदर्श यूनिट प्रकाश उत्सर्जक डायोड (एल ई डी) है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रवाये पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के डसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 30 कि. ग्रा. से 500 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्रा. या अधिक के “ई” मान के लिए 500 से 10,000 की रेंज में है तथा जिनका “ई” मान 1×10^8 , 2×10^8 या 5×10^8 है जिसमें ‘के’ घनात्मक या छठात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम. 21(153)/2001]

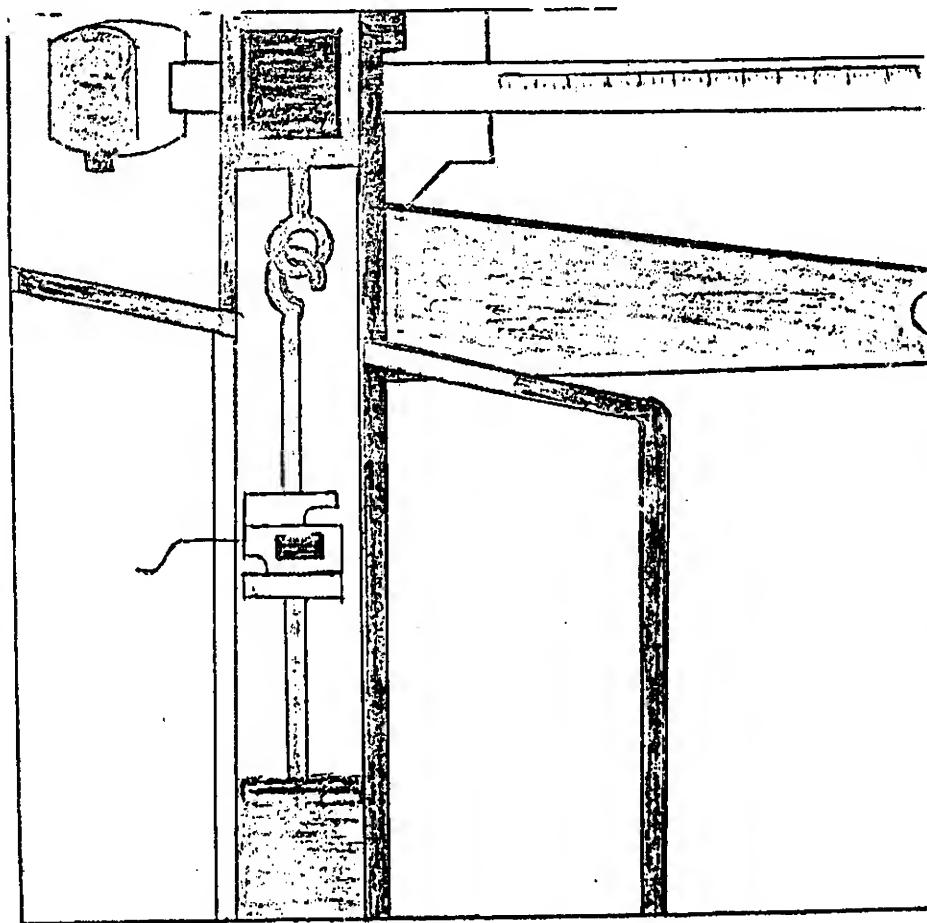
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th August, 2003

S.O. 2518.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of, non-automatic weighing instrument (Platform conversion kit) with digital indication of "LED" of medium accuracy (Accuracy class III), series SEWS-PC with brand name "SAMSUNG" (hereinafter referred to as the Model), manufactured by M/s. Samsung Electronic Weighing Systems, Dange Niwas, Behind Ashoka Chitra Mandir, Pimprigaon, Pune-411017 and which is assigned the approval mark IND/09/2002/72;

The said Model is a strain gauge load cell based weighing instrument (Platform conversion kit) with digital indication of maximum capacity of 300kg. and the verification scale interval 'e' is 100g. and belonging to medium class accuracy (accuracy class-III). The display unit is of light emitting diode. The instruments operates on 230 Volts and 50 Hertz alternative power supply.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity from 50 kg upto 500kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(153)/2001]

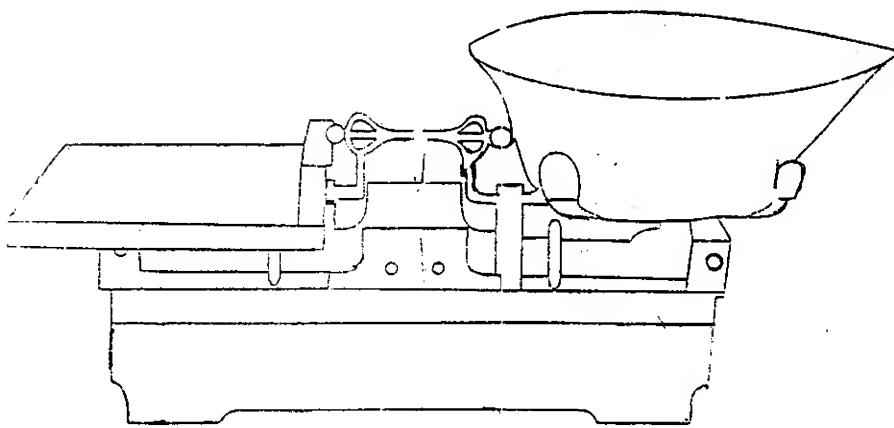
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 29 अगस्त, 2003

का.आ. 2519.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और भाष मानक अधिनियम, 1976 (1976 का 60) तथा ब्राट और भाष मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विजय इंडस्ट्रीज, 3/4 अमरेली रोड, सावर कुण्डला-364515 द्वारा विनिर्मित काउण्टर मशीन के मॉडल का और जिसे अनुमोदन दिए आई एन डी/09/2003/123 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) बीम के सिद्धान्त पर कार्य करने वाली काउण्टर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा.सं. डब्ल्यू. एम.-21(202)/2002]

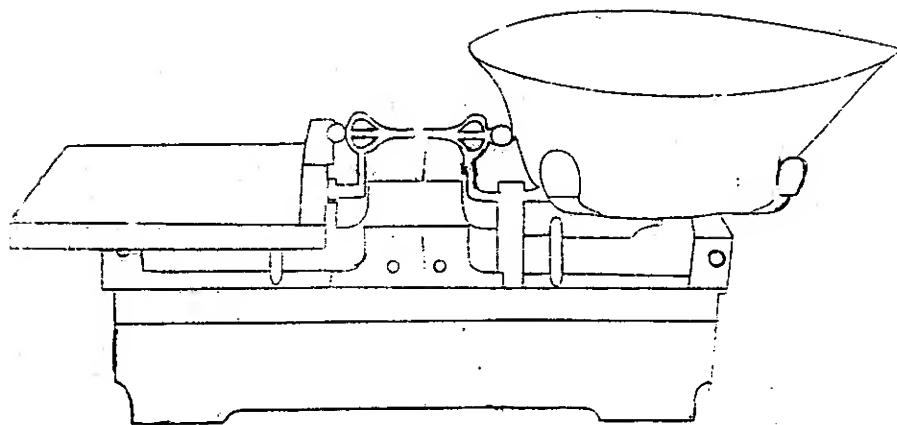
पी. ए. कृष्णामूर्ति, निदेशक, विधिक भाष विज्ञान

New Delhi, the 29th August, 2003

S.O. 2519.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of counter machine (herein referred to as the said Model), manufactured by M/s. Vijay Industries, 3/4, Amreli Road, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/123;

The said Model (See the figure given) is “counter machine” working on the principle of beam with maximum capacity of 10kg.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said Model has been manufactured.

[F. No. WM-2 I(202)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

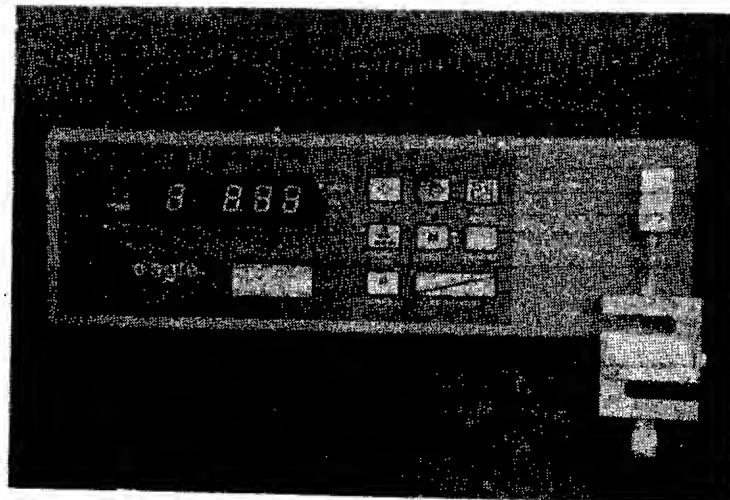
नई दिल्ली, 29 अगस्त 2003

का.आ. 2520.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसके लिए लिए गए उक्त स्टेटमेंट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त स्टेटमेंट में वर्णित मॉडल (जीसे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल व्याधार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ई. जी. कान्तावाला प्राइवेट लिमिटेड, 28/1, पुराना नगर, मुंधवा रोड, दमादर नगर, कार्यालय नगर रोड खरादी, पुणे-411014 द्वारा विनिर्भित मध्यम व्याधार्थता वर्ग (व्याधार्थता वर्ग 3) बाले “ई पी एल” शृंखला के स्वतः सूचक अस्वचालित, (वेब्रिज के लिए संपरिवर्तन किट) अंकक सूचन सहित तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम “ईगल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2003/114 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;

उक्त मॉडल (आकृति देखें) दाब गेज आधारित भार सेल प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 400 कि. ग्रा. है। सत्यापन मापान अंतराल (ई) का मान 20 कि. ग्रा. है। इसमें एक आद्येयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सील लगाना : स्टाम्पिंग स्लेट को सीलबन्द करने के अतिरिक्त, कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए मुहर बन्दी की जाए।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्भाता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्भित उसी शृंखला के वैसे ही मेक, व्याधार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 कि. ग्रा. या इससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेज में सत्यापन मापान अंतराल (एन) सहित 5 टन से अधिक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 के हैं जो धनात्मक या ऋणात्मक पूर्णांक है या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम.-21(12)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

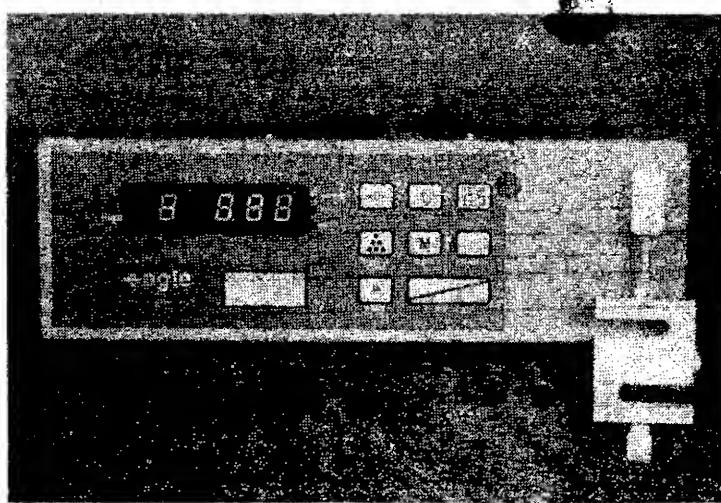
New Delhi, the 29th August, 2003

S.O. 2520.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-sections (7) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic (conversion kit for weigh bridge) weighing instrument with digital indication "ELP" series of Medium accuracy (Accuracy class III) and with brand name "EAGLE" (herein referred to as the Model), manufactured by M/s. E. G. Kantawalla Private Limited, 28/1 Old Nagar Mundhwa Road, Damadar Negar, off : Nagar Road, Kharadi, Pune-411014 and which is assigned the approval mark IND/09/2003/114;

The said Model (See the figure given) is a strain gauge type based load cell weighing instrument with a maximum capacity of 30 tonnes and minimum capacity of 400kg. The verification scale interval (e) value is 20kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply ;

Sealing : In addition to sealing the stamping plate, sealing is done to prevent opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of the said Section of the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 3 tonnes and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 1kg. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(12)/2001]

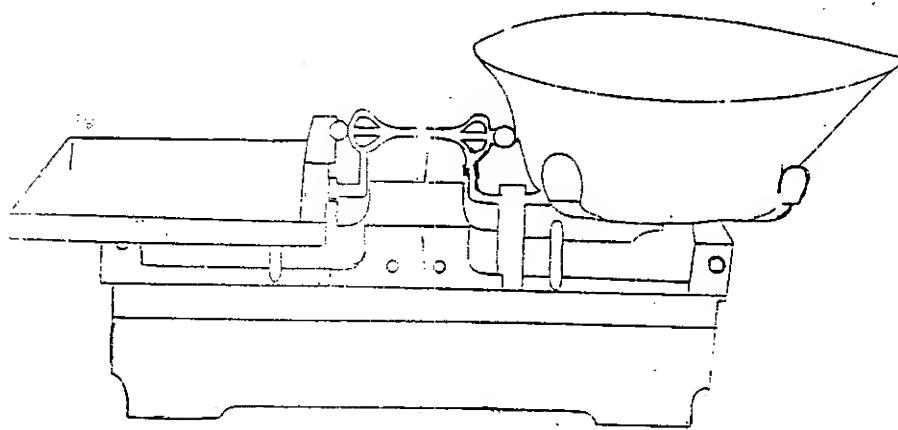
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 29 अगस्त, 2003

का.आ. 2521.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सौराष्ट्र स्केल कं. मेन बाजार, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउण्टर मशीन के मॉडल का, जिसके ड्रांड का नाम “लिबटी” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/59 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केन्द्रीय सरकार अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी भेक, यथार्थता और कार्यभालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा.सं. डब्ल्यू. एम.-21(201)/2001]

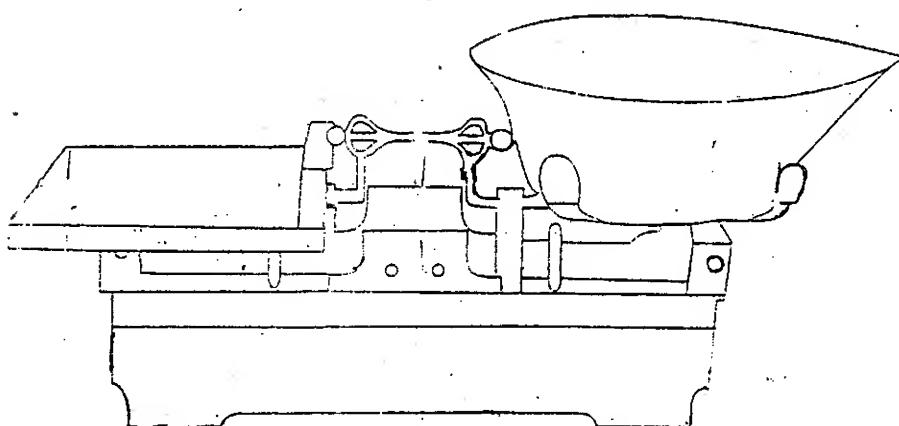
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th August, 2003

S.O. 2521.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of counter machine (herein referred to as the said model), with brand name 'LIBERTY' manufactured by M/s. Saurastra Scale Co., Main Bazar, Savarkundla-364515 (Gujarat) and also assigned the approval mark IND/09/2003/59;

The said model (see the figure given below) is a "counter machine". The maximum capacity of 10kg.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(201)/2001]

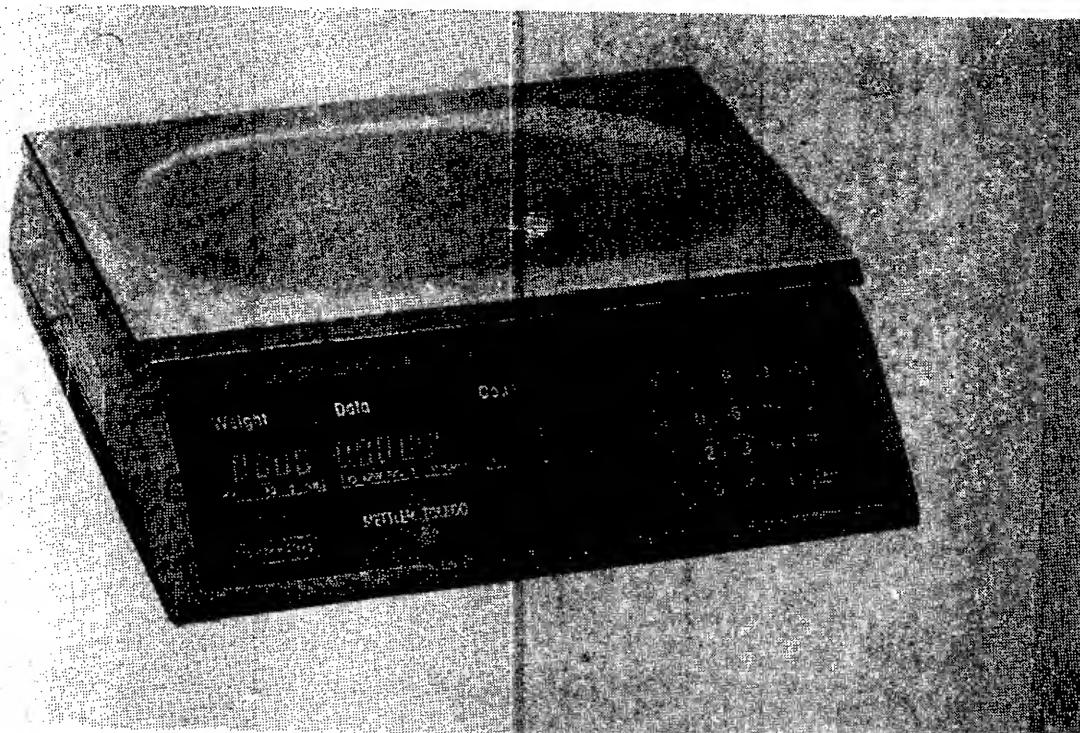
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 अगस्त, 2003

का.आ. 2522.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्ता अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेटलर-टोलिडो इंडिया प्राइवेट लिमिटेड, अमर हिल, साकी विहार रोड, मुंबई द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) वाले “टीसी” शृंखला के अस्वचालित, अंकक सूचन संहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “मेटलर टोलिडो” है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/126 समनुदेशित किया गया है, अनुमोदन प्रभागपत्र प्रकाशित करती है।

उक्त मॉडल दाब गेज भार सेल आधारित अस्वचालित तोलन सह गणन उपकरण (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 10 कि. ग्रा. और न्यूनतम क्षमता 5 ग्रा. है। सत्यापन भाष्यामान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत स्वाकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनियमीता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनियमित उसी शुरूखला के वैसे ही मेक यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक “ई” मान के लिए 100 से 10000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन अंतराल की संख्या सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 हैं जिसमें ‘के’ जो धनात्मक या ऋणात्मक पूर्णांक है या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम.-21(276)/2001]

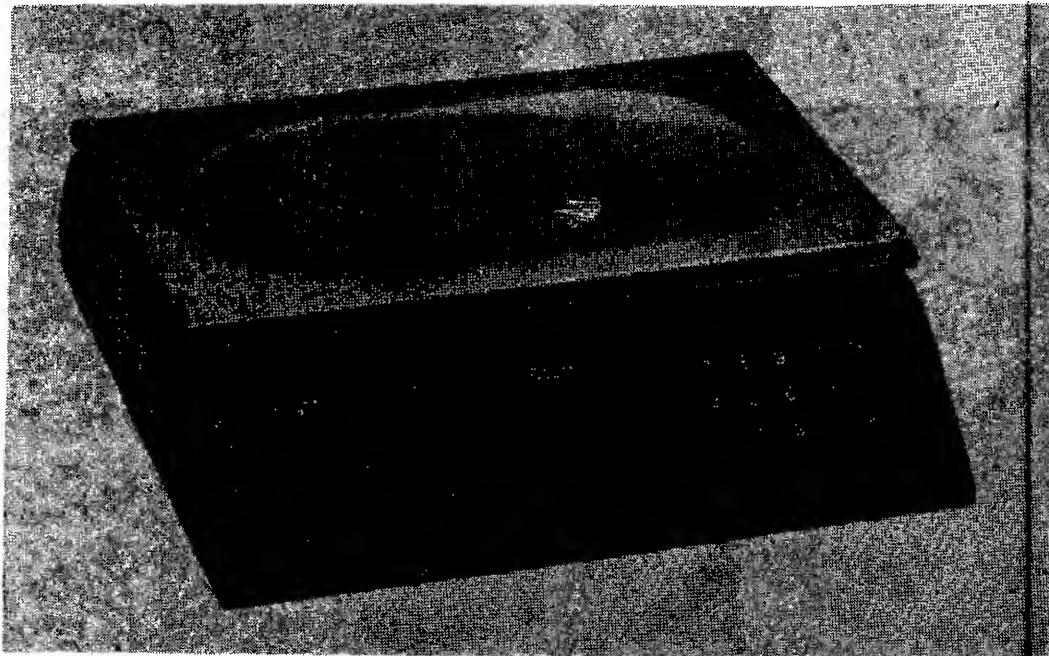
पी. ए. कृष्णामर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th August, 2003

S.O. 2522.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the non-automatic weighing instrument (table top type) with digital indication belonging to medium accuracy (accuracy class-III) of 'TC' series with brand name "METTLER TOLEDO" (hereinafter referred to as the model), manufactured by M/s Mettler-Toledo India Pvt. Ltd., Amar Hill, Saki Vihar Road, Mumbai and which is assigned the approval mark IND/09/2002/126;

The said model is a strain gauge type load cell based non-automatic weighing-cum-counting instrument (table top type). The maximum capacity is 10kg. and minimum capacity 100g. The value of verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instruments operates on 230 Volts, 50 Hertz alternate current power supply ;



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. WM-21(276)/2001]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 29 अगस्त, 2003

का.आ. 2523.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बेट्लर-टोलिडो इंडिया प्राइवेट लिमिटेड, अमर हिल, साकी विहार रोड, मुंबई द्वारा विनिर्भित उच्च यथार्थता वर्ग (यथार्थता वर्ग 2) वाले “एम 7001 एफ डी” शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के माडल का, जिसके ब्रांड का नाम “बेट्लर टोलिडो” है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2002/127 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल दाब गेज भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 7100 ग्रा. और न्यूनतम क्षमता 5 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 0.1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिगत धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्शन तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्भित उसी शृंखला के वैसे ही भेक यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 5000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल की संख्या सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 हैं जो धनात्मक या क्रृत्यात्मक पूर्णांक हैं या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम.-21(276)/2001]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th August, 2003

S.O. 2523.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the non-automatic weighing instrument (table top type) with digital indication belonging to high accuracy (accuracy class-II) of 'PS 7001 FD' series with brand name "METTLER TOLEDO" (hereinafter referred to as the model), manufactured by M/s. Mettler-Toledo India Pvt. Ltd., Amar Hill, Saki Vihar Road, Mumbai and which is assigned the approval mark IND/09/2002/127;

The said model is a strain gauge type load cell based non-automatic weighing instrument (table top type). The maximum capacity is 7100g and minimum capacity 5 g. The value of verification scale interval (e) is 0.1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , 'k' being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured;

[F. No. WM-21(276)/2001]

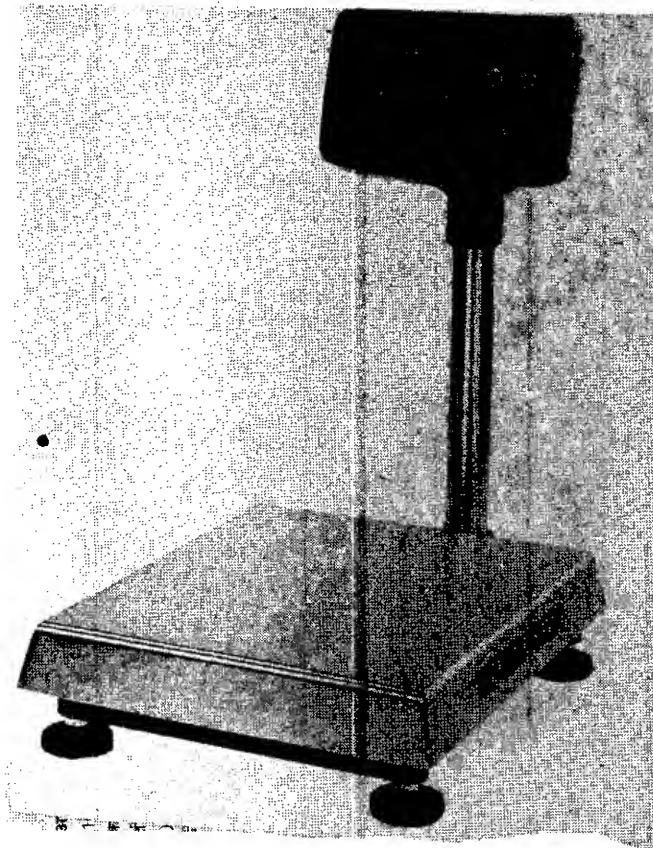
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 29 अगस्त, 2003

का.आ. 2524.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेटलर-टोलिडो इंडिया प्राइवेट लिमिटेड, अमर हिल, साकी विहार रोड, मुंबई द्वारा विनिर्भित मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) वाले "मिक" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मिनीकेट" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2002/128.समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल दाव गेज भार सेल आधारित अस्वचालित द्वैत रेंज (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 60 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। इसका सत्यापन मापमान अंतराल (ई) का मान 30 कि.ग्रा. की क्षमता तक 5 ग्रा. और 30 कि.ग्रा. से अधिक 60 कि.ग्रा. तक 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्लनात्मक धारित आधेयतुलन प्रभाव है। भारग्राही 500 मि.मी. × 400मि.मी. की साइड वाला आयाताकार खण्ड है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्गता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्भित उसी शृंखला के दैसे ही मेक यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि.ग्रा. से अधिक और 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 हैं जो धनात्मक या ऋणात्मक पूर्णांक है या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(276)/2001]

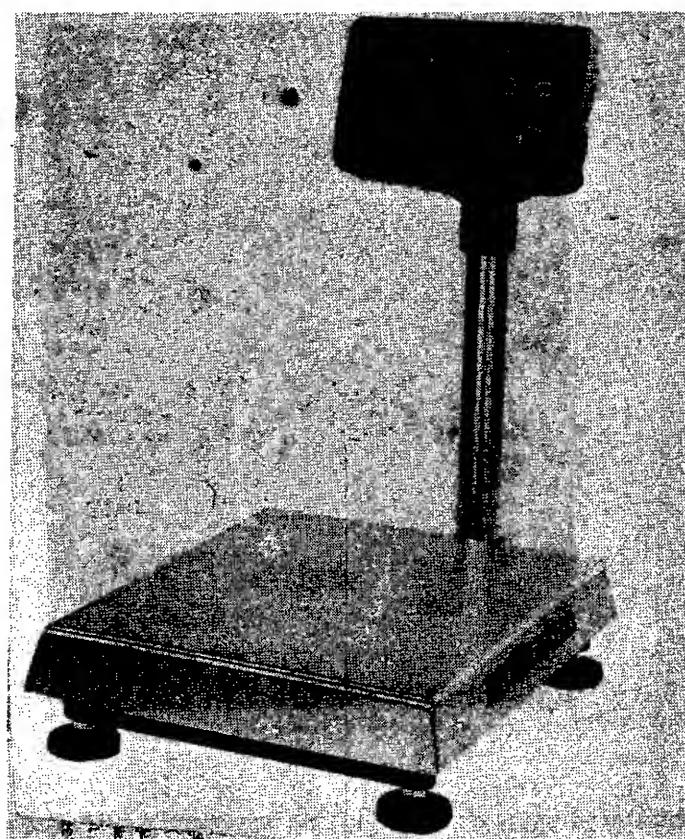
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th August, 2003

S.O. 2524.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions :

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the non-automatic dual range weighing instrument (Platform type) with digital indication belonging to medium accuracy (accuracy class-III) of 'MIC' series with brand name "MINICAT" (hereinafter referred to as the model), manufactured by M/s Mettler-Toledo India Pvt. Ltd, Amar Hill, Saki Vihar Road, Mumbai and which is assigned the approval mark IND/09/2002/128;

The said model is a strain gauge load cell based non-automatic dual range weighing instrument (Platform type). The maximum capacity is 60 kg. and minimum capacity is 100g. The value of verification scale interval (e) is 5g. up to capacity of 30 kg and 10g above 30kg up to 60kg. It has a tare device with 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of side 500mm × 400mm. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 300kg with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , 'k' being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said model have been manufactured.

[F. No. WM-21(276)/2001]

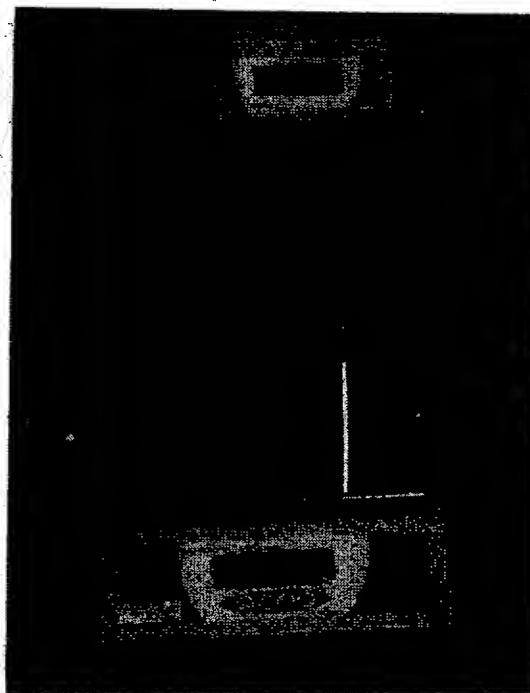
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 29 अगस्त, 2003

का.आ. 2525.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सात्विक स्केल इंडस्ट्रीज, 10-चैम चैम औद्योगिक इस्टेट, आजाद नगर के पास, कश्मीर रोड, भवंतर (पू.) थाणे-401107 द्वारा विनिर्भीत उच्च यथार्थता (यथार्थता वर्ग 2) वाले “वी आई के” शृंखला के अस्वाचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के माडल का, जिसके ब्रांड का नाम “सात्विक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विन्ह आई एन डी/09/2002/38 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र, प्रकाशित करती है;

उक्त मॉडल (आकृति नीचे दी गई है) स्ट्रेन गेज प्रकार भार सेल बोर्ड प्रकार का अस्वाचालित, अंकक सूचन सहित तोलन उपकरण है। इसकी अधिकतम क्षमता 12 कि.ग्रा. और न्यूनतम क्षमता 1 मि.ग्रा. है और उच्च यथार्थता वर्ग (यथार्थता वर्ग 2) से संबंधित है। सत्यापन मापमान अंतराल (ई) का मान 1 मि.ग्रा. है। प्रदूर्श एकक प्रकाश उत्सर्वक डायोड प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यापत्ति धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 1 मि.ग्रा. से 50 मि.ग्रा. के “ई” मान के लिए 100 से 50,000 की रेंज में है और 100 मि. ग्रा. या इससे अधिक के “ई” मान के लिए 5000 से 50,000 की रेंज में हैं तथा जिनका “ई” मान 1×10^8 , 2×10^8 या 5×10^8 है जिसमें ‘के’ जो धनात्मक या ऋणात्मक पूर्णांक है या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(93)/2001]

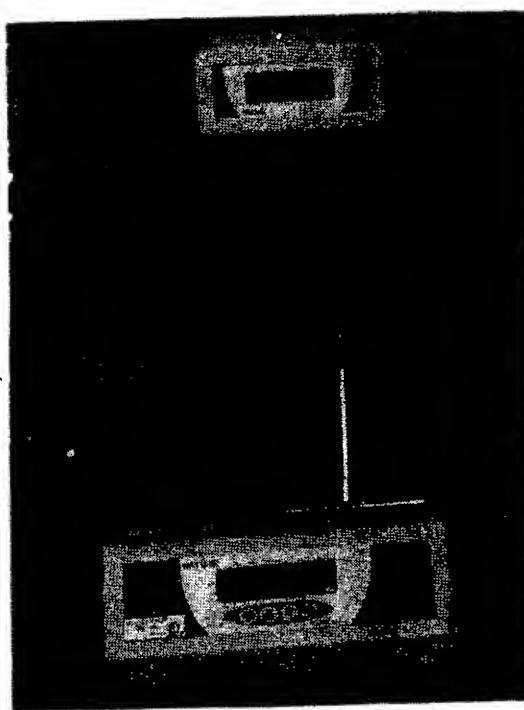
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th August, 2003

S.O. 2525.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions ;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of, non-automatic weighing instrument (table top type) with digital indication (hereinafter referred to as the model), belonging to high accuracy class (accuracy class-II) and "VIK" series with brand name "SATWIK", manufactured by M/s. Satwik Scale Industries 10 Cham Cham Industrial Estate, Near Azad Nagar, Kashmira Road, Bhayander (E), Thane-401107 and which is assigned the approval mark IND/09/2002/38;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (table top type), with digital indication of maximum capacity 12kg., minimum capacity 50g. and belonging to high accuracy class (accuracy class-II). The value of verification scale interval 'e' is 1g. The display unit is of light emitting diode type. The instrument operates on 230 Volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg. and with the number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1 mg. to 50mg. and with the number of verification scale interval (n) in the range 5000 to 50000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(93)/2001]

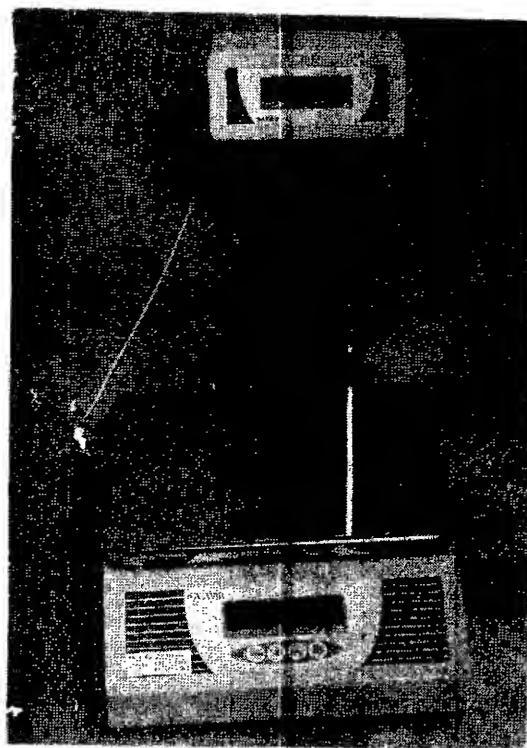
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 अगस्त, 2003

का० आ० 2526.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपर्युक्तों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सात्त्विक स्कैल इंडस्ट्रीज, 10-चैम औद्योगिक इस्टेट, आजाद नगर के पास, कश्मीरी रोड, भयंदेर (पू.) थार्णे-401107 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले “वी आई के” शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के माडल का, जिसके द्वांड का नाम “सात्त्विक” है (जिसे इसमें इसके पश्चात उक्त माडल कहा गया है) और जिसे अनुमोदन विहन आई एन डी/09/2002/39 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त माडल (आकृति नीचे दी गई है) स्ट्रेन गेज प्रकार भार सेल बोर्ड प्रकार का अस्वचालित, अंकक सूचन सहित तोलन उपकरण है। इसकी अधिकतम क्षमता 10 कि.ग्रा. और न्यूनतम क्षमता 20 ग्रा. है और मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) से संबंधित है। सत्यापन मापमान अन्तराल (ई) का मान 1 ग्रा. है। प्रदर्श एकक प्रकाश उत्सर्जक डायोड प्रकार का है उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



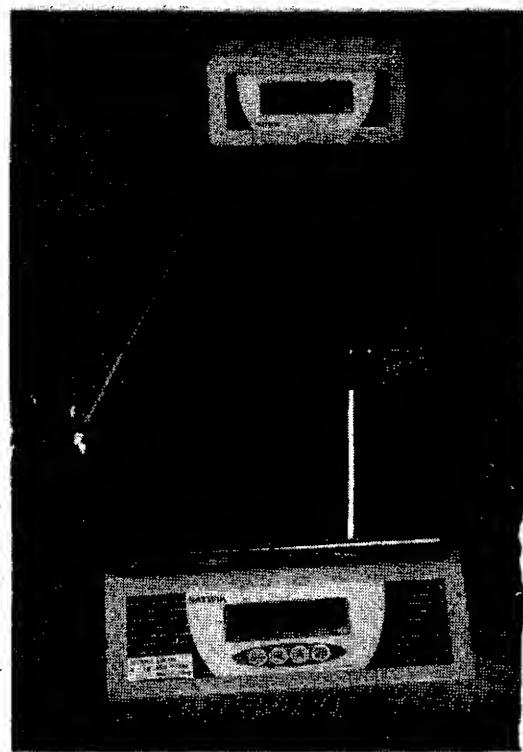
और, केन्द्रीय सरकार उक्त धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेंक, और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिसके अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की अधिकतम संख्या 100 मि.ग्रा. से 2 ग्राम तक के “ई” मान के लिए 100 से 10,000 की रेंज में है और सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में है तथा जिनका “ई” मान 1×10^4 , 2×10^4 या 5×10^4 है जिसमें ‘के’ धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

New Delhi, the 29th August, 2003

S. O. 2526.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of, non-automatic weighing instrument (table top type) with digital indication (hereinafter referred to as the model) belonging to medium accuracy class (accuracy class-III) and "VIK" series with brand name "SATWIK", manufactured by M/s Satwik Scale Industries, 10 Cham Cham Industrial Estate, Near Azad Nagar, Kashmira Road, Bhayander (E), Thane-401107 and which is assigned the approval mark IND/09/02/39;

The said model is a strain gauge type load cell based non-automatic weighing instrument (table top type) with digital indication of maximum capacity 10kg, minimum capacity 20g and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval 'e' is 1g. The display unit is of light emitting diode type. The instruments operates on 230V, 50Hertz alternate current power supply.



Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg and with number of verification scale interval(n) in the range of 100 to 10,000 for 'e' value of 100mg to 2 g and with the number of verification scale interval(n) in the range 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , 'k' being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. WM-21(93)/2001]

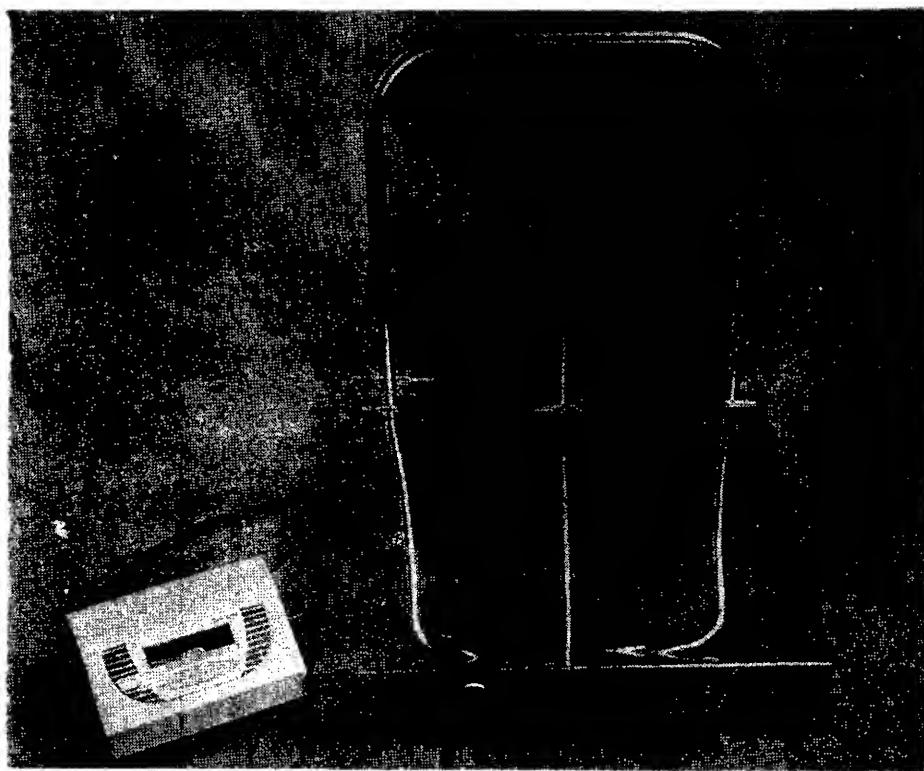
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 अगस्त, 2003

क्रा० आ० 2527.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत परिपेट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का. 60) तथा बाट तथा माप मानक (मनुष्यों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बाट की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अब: अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए मैसर्स सार्टिकल स्कर्ट इंडस्ट्रीज, 10-चैम चैम औद्योगिक इस्टेट, आजाद नगर के पास, कश्मीरा रोड, भयंदर (पू.) थाणे-401107 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले “वी आई के” शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेट फार्म प्रकार) के माडल का, जिसके प्रांड का नाम “सार्टिक” है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/40 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त माडल (आकृति नीचे दी गई है) स्ट्रेन गेज प्रकार भार सेल बोर्ड का अंकक उपदर्शन सहित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 120 कि.ग्रा. और न्यूनतम क्षमता 500 ग्रा. है और उच्च यथार्थता वर्ग (यथार्थता वर्ग 2) से संबंधित है। सत्यापन मापमान अन्तराल (ई) का मान 10 ग्रा. है। प्रदर्श एकक प्रकाश उत्सर्जक डायोड प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. से ऊपर 300 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिसके अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की अधिकतम संख्या 5 ग्रा. य अधिक के “ई” मान के लिए 5000 से 50,000 की रेंज में है तथा जिनका “ई” मान 1×10^4 , 2×10^4 या 5×10^4 है जिसमें ‘के’ धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

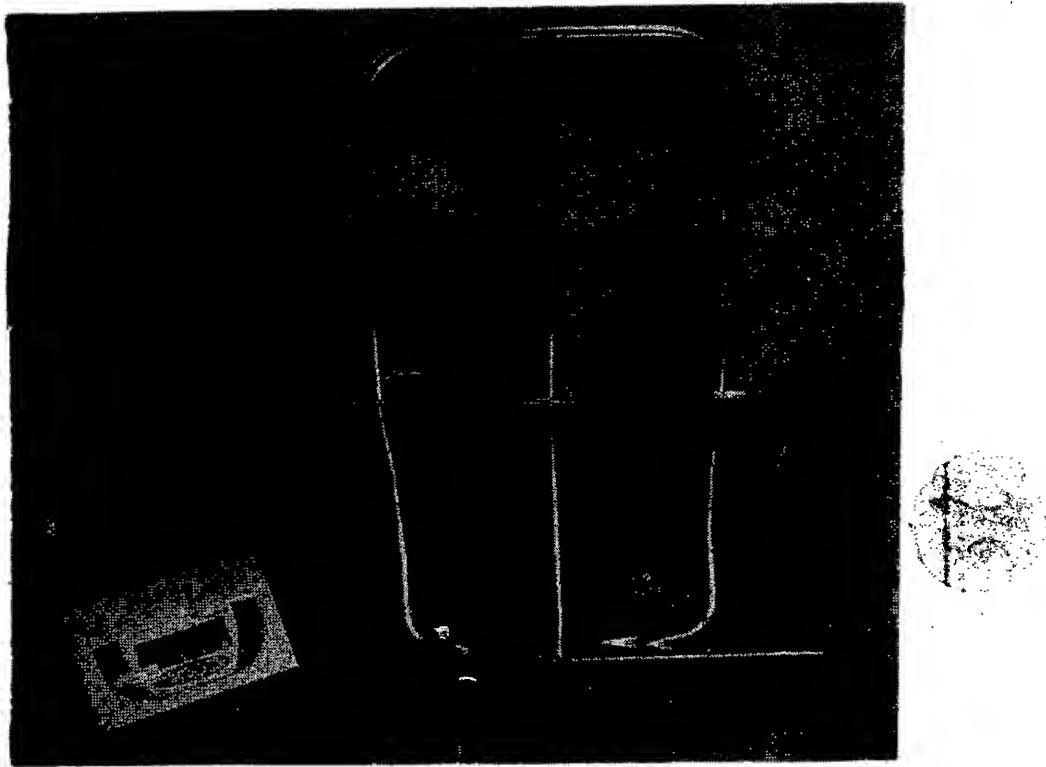
[फा. सं. डब्ल्यू एम-21(93)/2001]
पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th August, 2003

S. O. 2527.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of non-automatic weighing instrument (platform type) with digital indication (hereinafter referred to as the model) belonging to high Accuracy Class (Accuracy Class-II) and "VIK" series with brand name "SATWIK", manufactured by M/s. Satwik Scale Industries, 10 Cham Cham Industrial Estate, Near Azad Nagar, Kashmira Road, Bhayander (E), Thane-401107 and which is assigned the approval mark IND/09/2002/40;

The said model is a strain gauge type load cell based non-automatic weighing instrument (platform type) with digital indication of maximum capacity 120 kg, minimum capacity 500 g and belonging to high Accuracy Class (Accuracy Class-II). The value of verification scale interval 'e' is 10 g. The display unit is of light emitting diode type. The instruments operates on 230V, 50 Hertz alternate current power supply.



Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg up to 300 kg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , 'k' being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. WM-21(93)/2001]

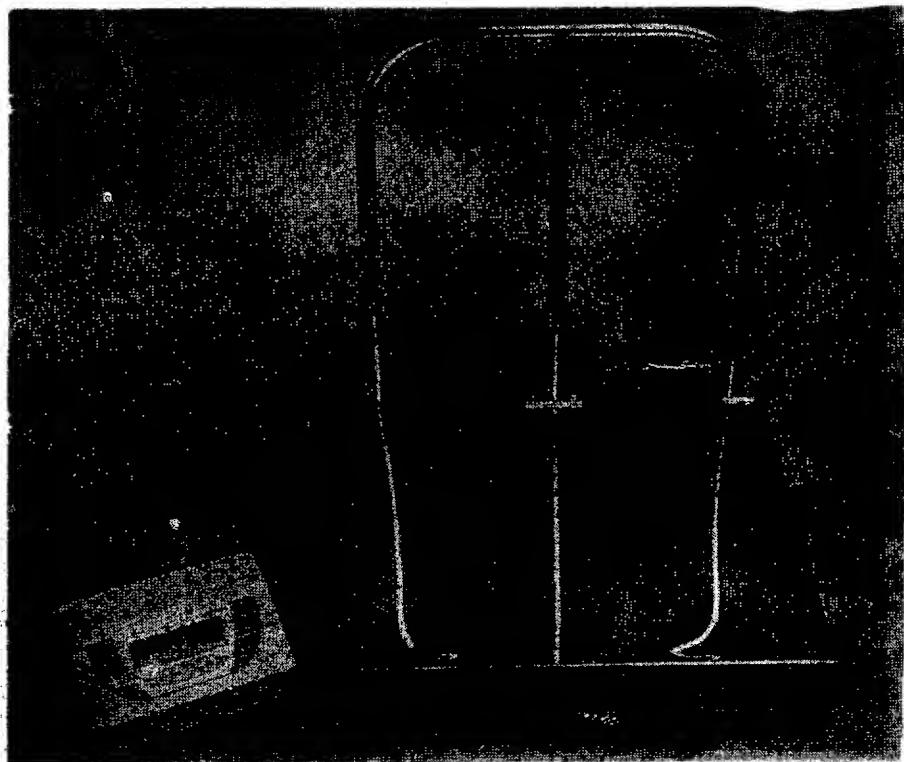
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 अगस्त, 2003

का० आ० 2528.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए मैसर्स सात्त्विक स्केल इंडस्ट्रीज, 10-चेम चेम औद्योगिक इस्टेट, आजाद नगर के पास, कश्मीरा रोड, भयंदर (पू.) थारे-401107 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "बी आई के" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के माडल का, जिसके ब्रांड का नाम "सात्त्विक" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2002/41 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त माडल (आकृति नीचे दी गई है) स्ट्रेन गेज प्रकार भार सेल बोर्ड प्रकार का अस्वचालित, अंकक सूचन सचिव तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 200 ग्रा. है और मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) से संबंधित है। सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। प्रदर्श एकक प्रकाश उत्सर्जक डायोड प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विघुत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. से ऊपर 300 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिसके अनुमोदित माडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्रा. या अधिक के "ई" मान के लिए 500 से $10,000$ की रेंज में है तथा जिनका "ई" मान 1×10^4 , 2×10^4 या 5×10^4 है जिसमें 'के' धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

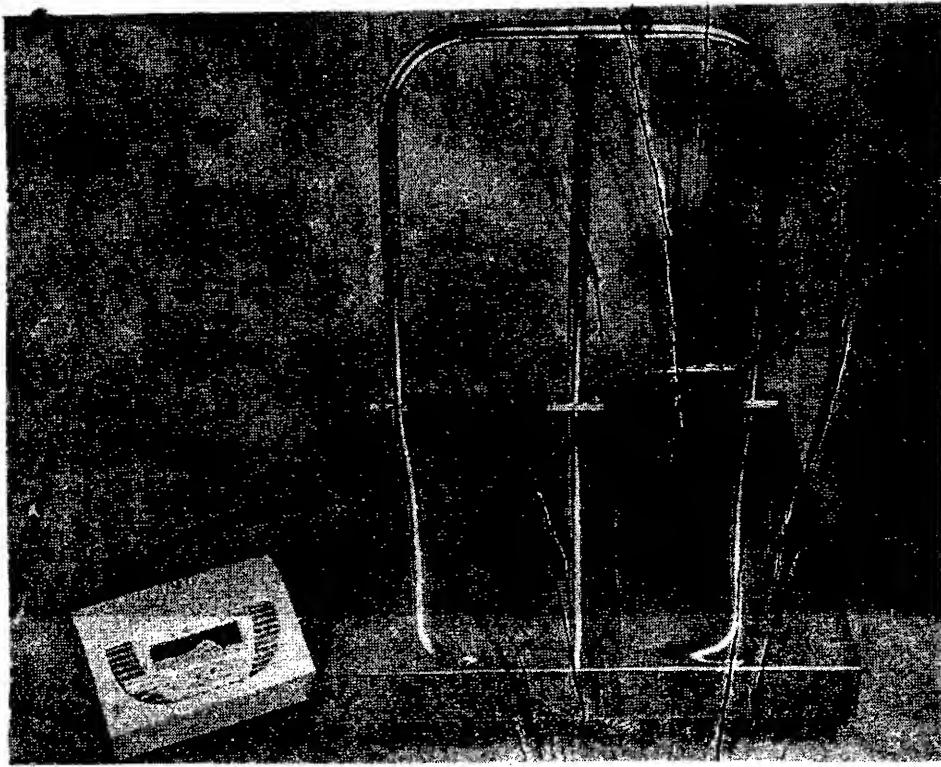
[फा. सं. डब्ल्यू एम-21(93)/2001]
पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th August, 2003

S. O. 2528.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of non-automatic weighing instrument (platform type) with digital indication (hereinafter referred to as the model) belonging to high medium Accuracy Class (Accuracy Class-III) and "VIK" series with brand name "SATWIK", manufactured by M/s. Satwik Scale Industries, 10 Cham Cham Industrial Estate, Near Azad Nagar, Kashinira Road, Bhayander (E), Thane-401107 and which is assigned the approval mark IND/09/2002/41;

The said model is a strain gauge type load cell based non-automatic weighing instrument (platform type) with digital indication of maximum capacity 100 kg, minimum capacity 200 g and belonging to Medium Accuracy Class (Accuracy Class-III). The value of verification scale interval 'e' is 10 g. The display unit is of light emitting diode type. The instruments operates on 230 V, 50 Hertz alternate current power supply.



Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 300 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

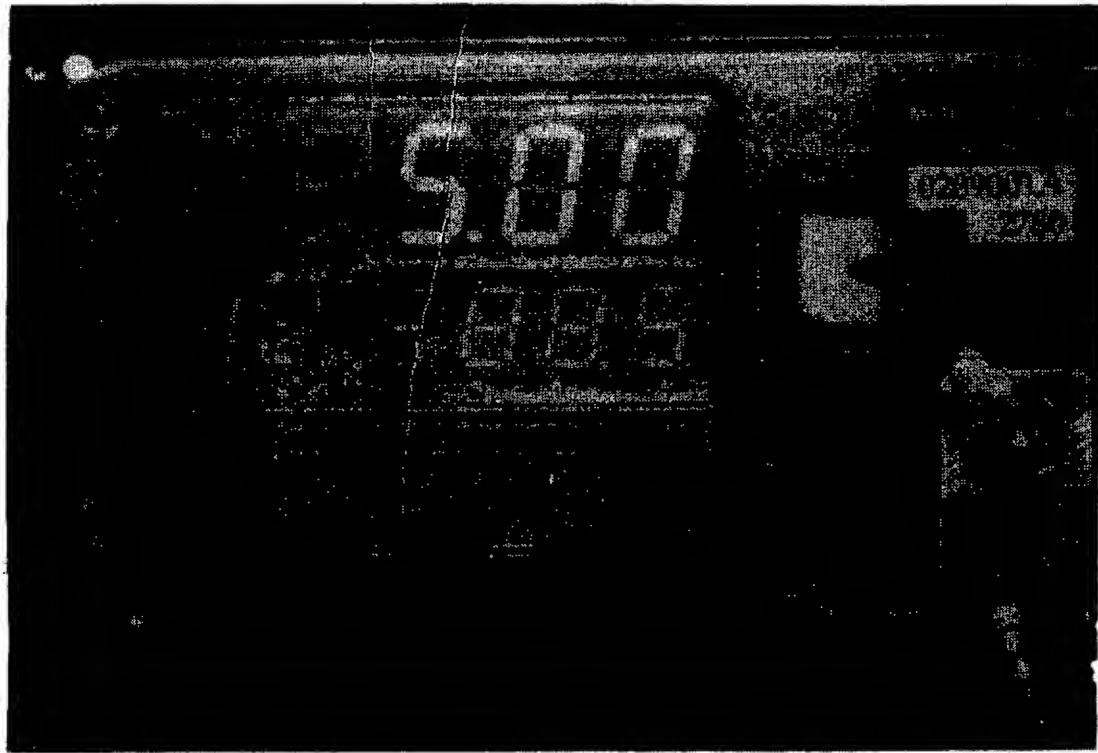
[F. No. WM-21(93)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 29 अगस्त, 2003

का. आ. 2529.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पुल्सर टैक्नालॉजी (इण्डिया) प्रा. लि., 147/जी, 10वीं मेन, तीसरा ब्लॉक, कोरमोंगला, बंगलौर-560034 द्वारा विनिमित 2020ए का अंकक सूचन सहित टैक्सीमीटर के मॉडल का, जिसके ब्रांड का नाम “पुल्सर” है (जिसे इसके पश्चात उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिट्ठा आई एन डी/09/2002/141 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



सीलिंग : स्टाम्पिंग प्लेट को सील करने के साथ सीलिंग कपटपूर्ण व्यवहारों के लिए मशीन खोलने से रोकने के लिए पल्स जनरेटर, केबल संयोजन बिन्दुओं तथा कपटपूर्ण मुख्य किराया मीटर पर मुद्रांकन किया जाएगा।

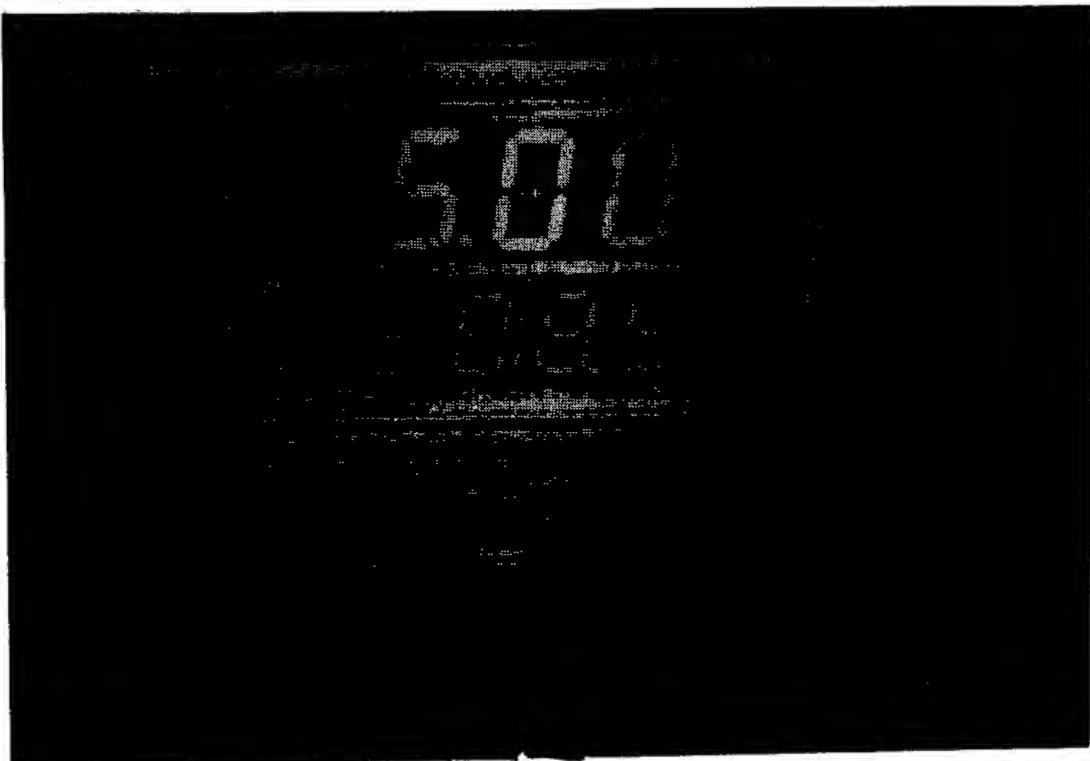
उक्त मॉडल एक टैक्सी मीटर है जिसमें दूरी और समय मापक युक्ति सहित अंकक सूचन समाविष्ट है। यह निरंतर योग करता है तथा यात्रा के किसी क्षण में यात्री द्वारा संदेश प्रभार उपदर्शित करता है। तय की गई दूरी और लगे समय की कतिपय गति से नीचे के अनुसार संदेश किराया मीटर का कार्य है मीटर का पठन सात खण्डीय प्रकाश उत्सर्जक डायोड द्वारा उपदर्शित किया जाता है और विद्युत प्रदाय डी सी 12 बोल्ट है। मुद्रांकन प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए उनके साथ छेड़छाड़ को रोकने के लिए पल्स जनरेटर, केबल संयोजन बिन्दुओं तथा कपटपूर्ण मुख्य किराया मीटर पर मुद्रांकन किया जाएगा।

[फा. सं. डब्ल्यू एम 21(69)/2002]
पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 29th August, 2003

S.O. 2529.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issued and publishes the certificate of approval of the model of a Taxi Meter with digital indication of '2020A' with brand name "PULSAR" (herein referred to as the said model), manufactured by M/s. Pulsar Technologies (India) Pvt. Ltd., 147/G, 10th Main, 3rd Block, Kormongla, Bangalore-560034 and which is assigned the approval mark IND/09/2002/141;



In addition to sealing the stamping plate, sealing shall also be done on the pulse generator, cable connecting points and the main fare meter to prevent their tampering for fraudulent practices.

The said model is a 'Taxi Meter' with digital indication incorporated with a distance and time measuring device. It totalizes continuously and indicates at any moment of the journey, the charges payable by the passenger. The "fare to pay" is a function of the distance travelled above a certain speed and the time occupied below that speed. The reading of the meter is indicated by seven segment Light Emitting Diode (LED).

[F. No. WM-21(69)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 28 अगस्त, 2003

का० आ० 2530.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में पानेवाडी (मनमाड) संस्थापन से मध्यप्रदेश राज्य में मांगल्या (इंदौर) तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कॉरपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इससे संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) का धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र, की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, 21 (इक्कीस) दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के लिए उसमें उपयोग के अधिकार के अर्जन के संबंध में श्री वी.पी. पाठक, सक्षम प्राधिकारी, मुम्बई-मनमाड पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कॉरपोरेशन लिमिटेड, सी/१९-ए, स्कॉम सं. ७८, स्लाइस सं. ५, ए.बी. रोड, इन्दौर-४५२०१० (मध्य प्रदेश) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : राजपुर जिला : अडवानी राज्य : मध्य प्रदेश

ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल	हैक्टेयर
1	2	4	
1. रेलवाखुर्द	80/2	0.0210	
	81/7	0.0720	
	24/2, 27/3	0.3060	
	24/1/3, 26	0.2160	
	42/10	0.0050	
	75/8	0.0350	
	62/2	0.0800	
2. लिंगना	56/4, 56/5, 56/6	0.3350	
	99/1	0.2920	
	99/3	0.0435	
3. वक्कवाडी	1	0.0720	
4. बारानी	84/3	0.2880	
	66/3, 66/4	0.5670	

	1	2	4
बासवी		88/3, 89/3	0.1150
		89/7	0.1210
		96/4	0.1980
		73	0.0756
		84/3	0.2880
		219/2	0.1670
5. निहाली		15/3	0.1920
		15/2/3	0.1140
		16/1/2	
		12	0.0859
		9/8	0.0384
		9/1	0.1800
6. जुलवानिया		126/2	0.1120
		119/3	0.1300
		218/4	0.2630
7. देवला		210/5	0.0790
		210/7	0.1980
		183	0.2340
		64/1	0.4367
8. पनावा		555	0.1778
		551	0.0530
		545	0.0720
		488	0.1490
9. बालसमुन्द		20/9	0.1760
		125/2	0.0540
		107	0.0281
		126, 127, 129	0.1168
		20/8	0.0584
10. मातमुर		77/5, 77/6	0.3390
		71/2	0.0220
11. सालीकला		162	0.0290
		156/2, 240/14/2	0.3600
		164/4	0.1170
		240/14/1, 240/12	0.0920
		130	0.0500
		258, 259/6, 259/1	0.0056

[फा. सं. आर-31015/24/2001-ओ आर-II]

हरीश कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 28th August, 2003

S. O. 2530.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from the Panewadi (Manmad) terminal in the State of Maharashtra, an extension pipeline to Manglyा (Indore) in the State of Madhya Pradesh should be laid by Bharat Petroleum Corporation Limited;

And, whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section(1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land of Shri V.P. Pathak, Competent Authority, Mumbai-Manmad Pipeline Extension Project, Bharat Petroleum Corporation Limited, C/19-A, Scheme No. 78, Slice No. 5, A. B. Road, Indore-452010 (Madhya Pradesh).

SCHEDULE

Tehsil : Rajpur District : Badwani State : Madhya Pradesh

Name of Village	Survey No.	Area in Hectare
1	2	3
1. Relwakhurd	80/2	0.0210
	81/7	0.0720
	24/2, 27/3	0.3060
	24/1/3, 26	0.2160
	42/10	0.0050
	75/8	0.0350
	62/2	0.0800
2. Lingawa	56/4, 56/5, 56/6	0.3350
	99/1	0.2920
	99/3	0.0435
3. Bakwadi	1	0.0720
4. Basvi	84/3	0.2880
	66/3, 66/4	0.5670
	88/3, 89/3	0.1150

	1	2	3
Basvi		89/7	0.1210
		96/4	0.1980
		73	0.0756
		84/3	0.2880
		219/2	0.1670
5. Nihali		15/3	0.1920
		15/2/3	0.1140
		16/1/2	
		12	0.0859
		9/8	0.0384
		9/1	0.1800
6. Julwaniya		126/2	0.1120
		119/3	0.1300
		218/4	0.2630
7. Devla		210/5	0.0790
		210/7	0.1980
		183	0.2340
		64/1	0.4367
8. Panawa		555	0.1778
		551	0.0530
		545	0.0720
		488	0.1490
9. Balsamund		20/9	0.1760
		125/2	0.0540
		107	0.0281
		126, 127, 129	0.1168
		20/8	0.0584
10. Matmur		77/5, 77/6	0.3390
		71/2	0.0220
11. Salikala		162	0.0290
		156/2, 240/14/2	0.3600
		164/4	0.1170
		240/14/1, 240/12	0.0920
		130	0.0500
		258, 259/6, 259/1	0.0056

[F. No. R-31015/24/2001-O.R.-II]

HARISH KUMAR, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 7 अगस्त, 2003

का० आ० 2531.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय खादी एवं ग्रामोद्योग कमीशन प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुम्बर्इ नम्बर 1, (संदर्भ संख्या सी.जी.आई.टी.-11/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-08-2003 को प्राप्त हुआ था।

[सं० एल-42012/172/2001-आई०आर०(सी-II)]
एन०पी० केशवन, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 7th August, 2003

S.O. 2531.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-11/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 1 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Khadi and Village Industries Commission and their workman, which was received by the Central Government on 06-08-2003.

[No. L-42012/172/2001-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1

MUMBAI

PRESENT:

SHRI JUSTICE S. C. PANDEY : Presiding Officer

REFERENCE No. CGIT-11/2002

PARTIES : Employers in relation to the management of

Khadi and Village Industries Commission

AND

Their Workmen

APPEARANCES:

For the Management : Mr. D. A. Athawale, Adv.

For the Workmen : Mr. Jayprakash Sawant, Adv.
State : Maharashtra

Mumbai Dated, the 23rd July, 2003

AWARD

1. This reference is made by the Central Govt. in exercise of its powers under clause (d) of Sub section 1 of Section 10 of Industrial Disputes Act, 1947 (the Act for short) read with Sub-section 2-A of that section. The terms of the reference are as follows :

“Whether the action of the Management of Khadi and Village Industries Commission, Mumbai in terminating of the services of the workman Sh. Jagdish Prasad Prajapati who have worked for 3 years legal and justified? If not, to what relief is he entitled to?

2. Mr. Jagdish Prasad Prajapati (the workman for short) inter alia pleaded that he was employed with Khadi and Village Industries Commission, Mumbai (the employer for short) from 06-3-1995 as a Peon continuously till his services were discontinued w.e.f. 01-11-1999. It was claimed that the services of the workman were discontinued because the Chief Executive by letter dated 29-10-1999 that workman was continuing for a long time. His services should be dispersed with as his continuance is likely to create complication regarding permanent appointment. Pursuant to the other aforesaid the services of the workman terminated without following the provisions of Section 25F of the Act amongst others.

3. The employer replied in its written statement that the workman was appointed on contract or daily wages. It was stated that he was daily wager. He was employed in the various departments of the employer. The workman did not complete 240 days continuously. It was claimed that divisions of the employer were independent of each other. The employer asserted that the services of the workman were terminated at the instance of the Central Govt. whose sanction was necessary for employment of a person.

4. This tribunal has not referred to other pleadings of the either party because it is unnecessary to do so. This reference can be adjudicated finally upon the aforesaid pleadings in paragraph 2 and 3 here in above.

5. The workman filed his affidavit and stated that he was working as Peon with the employer from 06-3-1995 to 01-11-1999. The workman submitted that his services were discontinued on 01-11-1999 without enquiry, notice or retrenchment compensation. He was drawing consolidated salary of Rs. 1,500/- per month when his services were terminated. He filed certain documents marked as W1 to W7 in support of his case. There is nothing to suggest from the cross examination of the workman that he was not in service of employer continuously for 240 days prior date of his termination. The evidence of EL Antony examined by the employer as a second witness supports

the workman because he admitted in cross examination that workman was in continuous employment from the end of January. Therefore, from February 1999 to 31st October 1999 the workman has served for more than 240 days continuously. He also admitted that the services of the workman were terminated pursuant to letter dated 29-10-99 marked as Ex/W6 sent by the Chief Executive Order.

6. Shri Jayprakash Sawant argued that the services of the workman were terminated on 01-11-1999 in violation of Section 25F of the Act. He pointed out that the employer has not rebutted the evidence of workman that he was not given the requisite notice and retrenchment compensation.

7. The learned counsel for the workman relied upon the decision of Ratan Singh vs. Union of India (1997) II Supreme Court cases 396 Zonal Manager, Central Bank of India vs. Union of India 2003 II CLR 437.

8. Shri Athawale on the other hand argued that the workman was a daily wager. He could not be said to have been retrenched within the meaning of Section 25F of the Act. He strongly relied upon the decision of Supreme Court in case of Himanshu Kumar Vidyarthi vs. State of Bihar 1997 II CLR 15 (SC) 1998 II LLJ 5. Jt 1996(2)SC 455 and State of UP vs. Labour Court Haldwani 991 ICLR 541.

9. Having heard the counsel for the parties, this tribunal is of the opinion that the workman has proved that he was working continuously for 240 days with the employer prior to date of his dismissal. It has also been proved that employer did not follow the provisions of Section 25F of the Act. The Employer has not alleged in its written statement that it is not covered by the Act within meaning of Section 2(j) thereof. This point was also not argued. Therefore, it is held that Khadi and Village Industries Commission is covered by the Act as an industry and the employer is an industrial establishment. The next question that has to be decided whether the workman was retrenched within the meaning of Section 2(oo) of the Act. It may be noted that termination of services of the workman was not by way of punishment for any misconduct. Therefore, the termination of service of the workman pursuant to letter dated 29-10-1999 would *prima facie* amount to retrenchment as per Section 2(oo) of the Act. The learned counsel for employer in order to get out of the rigour of the main part of definition relied upon exception (bb). Therefore, it would be profitable to reproduce the main part of Section 2 along with exception (bb) of the Act for the sake of convenience.

(oo)" retrenchment means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

(bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or

The clause (bb) is an exception or an exclusionary clause. It is in the nature of a proviso. It is well established that such an exclusionary clause cannot be interpreted widely for cutting down the meaning of the main clause to which it is an exception, more than warranted by the words in that clause. In other words the exclusionary clause should be strictly construed. Applying the aforesaid principle, it was incumbent upon the employer to strictly prove that it was case of non-renewal of contract on its expiry or the contract of service was terminated on account of an stipulation in the contract. The employer did not take this plea nor did he lead evidence. The exhibit W2 filed by the workman is dated as 27-5-1996. The term appointment in this document was till 21-7-1996. It had already expired. Therefore exhibit W2 cannot be used for justifying the termination of service from 01-11-1999. Similarly Ex. W3 the letter of appointment dated 03-10-1996 expired after six months from date as per condition No. 2. This document too cannot be used to justify the termination of the services of the workman. The workman continued in service thereafter. It has not been shown that the contract of service was renewed on same terms or the workman was employed on some different terms. No order has been pressed into service. No evidence was led to show the terms of new contract and therefore, the employer cannot claim the benefit of exception (bb) to Section 2(oo) of the Act.

10. The learned counsel for the employer however, relied upon Himanshu Kumar Vidyarthi vs. State of Bihar arguing that the fact that workman was serving as a 'daily wager' was in it self enough for concluding that the workman was not covered by the Act. This argument is not tenable. The facts of this case disclose that a writ petition was filed by Himanshu Kumar Vidyarthi stating that termination of his services was bad in law as per rules applicable to him. The High Court turned down the plea. At the stage of hearing before Supreme Court it was for the first time argued that this was case of the retrenchment. Repelling the argument of petitioners the Supreme Court stated: "They were appointed in the Co-operative Training Institute, Deoghar by its Principal. They are admittedly daily wage employees. Their services came to be terminated by the Principal. Calling that termination in question, they filed a writ petition in the High Court. The main grievance of the petitioners before us is that termination of their services is in violation of Sec. 25-F of the Industrial Disputes Act. 1947. The question for consideration, therefore, is whether the petitioners can be said to have been "retrenched" within the meaning of Sec. 25-F of the Industrial Disputes Act? Every Department of the Government cannot be treated to be "industry". When the

appointments are regulated by the statutory rules, the concept of "industry" to that extent stands excluded. Admittedly, they were not appointed to the posts in accordance with the rules but were engaged on the basis of need of the work. They are temporary employees working on daily wages. Under these circumstances, their disengagement from service cannot be construed to be a retrenchment under the Industrial Disputes Act. The concept of "retrenchment" therefore, cannot be stretched to such an extent as to cover these employees. The learned counsel for the petitioners seeks to contend that in the High Court, the petitioners did not contend that it is a case of retrenchment but termination of their services is arbitrary. Since they are only daily-wage employees and have no right to the posts, their disengagement is not arbitrary.

"The Supreme Court did not lay down that 'daily wagers' were not covered by the Act. On the other hand, the Supreme Court appears to have that the concept of retrenchment cannot be stretched to cover of those employees". The case is clearly distinguishable. It was distinguished by Mr. Justice Aftab Alam of Patna High Court in the case of Zonal Manager Central Bank of India vs. Union of India and others reported in 2003 II CLR 437 at page 440-441 paragraph 13 and 14. This tribunal respectfully agrees with that view. On the other hand, this Tribunal finds that the learned single Judge of the High Court in the case of State of U.P. vs. Labour Court Haldwani (supra) wrongly held that the Act was not applicable to daily wagers. With great respect, the view of the Patna High Court appears to be correct. Moreover, there is the authority of Ratan Singh vs. Union of India (supra) relied upon by the learned counsel for the workman. It is a direct authority of Supreme Court, wherein the argument of the counsel for the petitioner that section 25F of the Act is applicable to daily rated employees of an industry was not accepted. The contention of learned counsel for the employer are turned down and it held that the workman was retrenched from service w.e.f. 1-11-1999. He is entitled to be reinstated as the order of retrenchment without compensation and notice, contemplated under section 25F of the Act is void.

11. The next question is if the workman is entitled to back wages. The workman has stated that he was not employed. He had borrowed Rs. 25,000/- for maintaining himself. He has virtually no money. There is rebuttal of the version given by the workman in cross examination. It is a fact that the removal of workman was made under the direction of Chief Executive Officer given in Ex-W6 dated 29-10-1999 on the ground that continuance of the workman was likely to create complication. In other words, the workman was fired from the service because Chief Executive Officer did not want to bear the responsibility of continuing him in service between 1995 to 1999. The direction appears to be in bad faith with a view to avoid the likely claim made by the workman for absorption in service. In this connection, the workman had placed on record Exhibit

W-8 a letter written by Mr. Y.S. Ulasar dated 03-7-1999 to Chairman Dr. Mahesh Sharma. There is a note to the effect that his case shall be considered sympathetically because he was had served for some years. However, the result was exactly opposite. Looking to all the circumstances it is held that the workman is entitled to all the back wages from 01-11-1999 to the date of reinstatement at rate of Rs. 1,500/- per month. He shall be entitled to continue in service in accordance with law.

12. The reference made to this tribunal is answered by stating that the termination of the workman Shri. Jagdish Prasad Prajapati is not legal and justified. He is entitled to be reinstated with effect from 01-11-1999. He is entitled to back wages from 01-11-1999 at rate of Rs. 1,500/- p.m. till he is reinstated. Accordingly, this award is made against the employer. No costs.

S.C. PANDEY, Presiding Officer

नई दिल्ली, 7 अगस्त, 2003

का० आ० 2532.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर. /180/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-08-2003 को प्राप्त हुआ था।

[सं० एल-22012/379/90-आई०आर०(सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 7th August, 2003

S. O. 2532.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/180/91) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 06-08-2003.

[No. L-22012/379/90-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

CASE No. CGIT/LC/R/180/91

Presiding Officer : Shri R. K. DUBEY

Shri C. B. Mehto,
Through Branch Secretary,
CSMU, Qr. No. M. D./395,
Dipika Colony,
Post Gevra Project,
Distt. Bilaspur

Applicant

versus

The Sub Area Manager,
SECL, Gevra Project,
Post Gevra Project,
Distt. Bilaspur. No-applicant

AWARD

Passed on this 30th day of July, 2003

1. The Government of India, Ministry of Labour vide order No. L-22012/379/90-IR. C. II dated 16-4-91 has referred the following dispute for adjudication by this tribunal :

“Whether the management of Gevra Project of South eastern coalfields Ltd., Bilaspur, justified in not promoting Shri C. B. Mehto as a Clerk Grade I in the DPC of June, 1989. If not, then to what relief the workman concerned is entitled to?”

2. The brief facts of the statement of claim are that the workman Shri Chandra Bhushan Mehto worked as clerk Grade. II Gevra Project. Workman was an active Union member. Workman was harrassed by the management because of his Union membership and due to this reason, he was not promoted as clerk Grade I but one Mr. C. R. Das who is junior to Shri Chandra Bhushan Mehto promoted on the post of clerk Grade I. Later Shri Mehto again demoted to the post of clerk Grade III pitman. It was prayed by the workman that he should be promoted on the post of clerk Grade I and the management’s order resulting by which his junior promoted may be amended and all the promotion benefits be given to the workman on the date on which his junior Mr. C. R. Das was promoted.

3. Non-applicant in its written statement admitted that the workman Shri C. B. Mehto is not promoted to the post of clerk Grade I and one Mr. C. R. Das Junior to workman Mehto was promoted resulting in the supersession of workman Mr. C. P. Mehto. It was submitted by the management that the promotion from clerk Grade II to clerk Grade I is not automatic but is based on seniority cum merit and conducted on the basis of selection by the then Departmental Promotion Committee. Promotion cannot be claimed as a matter of right. Promotion from lower grade to higher grade can be done only if person is found suitable by the DPC. The case of Shri C. B. Mehto was also examined by the DPC which held in June, 1989 along with other candidates. DPC found Mr. C. B. Mehto unfit for promotion therefore he was not promoted and after sometime he was chargesheeted on various grounds and demoted to the post of Clerk Gr. III, pitman. It was prayed on behalf of the management that their action in not promoting Mr. Mehto is just and proper.

4. The following are the issues necessary for the just disposal of the case :—

1. Whether the action of the management of Gevra

Project in not promoting Shri C. B. Mehto as a clerk Grade I in the DPC of June, 1989 is justified?

2. Whether the workman entitled to any relief?

5. Issue No. 1 : It was contented on behalf of the workman that the promotion from clerk Grade II to Clerk Grade I are always conducted on the basis of seniority but it was not supported by any evidence. On the other hand, management produces the proceedings of the DPC and DE papers. The DE was conducted against the workman Shri C. B. Mehto on various charges. After the meeting of the DPC, proceedings of the DPC are clear. According to the proceedings 3 senior officials conducted the meeting of DPC on 22-6-89. They examined 21 candidates for promotion to the post of clerk Grade I from clerk Grade II. In this list candidate No. 9 to 21 have not completed their necessary cadre period therefore they ~~do~~ considered for the promotion. Candidate No. 1 to ~~8~~ examined. According to the opinion of the DPC performance of applicant workman Shri C. B. Mehto who is working as clerk Grade II is poor. In the list another candidate one Mr. D. P. Singh’s performance is also rated as average. All other candidates considered and found fit for promotion. DPC out of 8 candidates, recommended 6 candidates for promotion. Name of the applicant is one of the missing person in this list.

6. To support the decision of the DPC, Cr. of workman Mr. C. B. Mehto also produced by the workman. This CR confirms the opinion of the DPC that the performance of the applicant workman is poor. As I mentioned earlier after the meeting of the DPC, the DE was conducted by the management against the applicant workman on various grounds. One of the main ground of the chargesheet is that the workman in May, 1990’s attendance register, shows Shri Rajesh Kumar Sahu present from 21-5-90 to 28-5-90 but actually Shri Sahu was on sick leave at that time. Shri Sahu was also paid for this period. On this charge, the DE was conducted. The DE papers shows that applicant workman was given proper opportunity to defend his case by the Enquiry Officer. The workman appointed his co-worker examined the witnesses produced on behalf of the management. Enquiry Officer’s report based on the evidence produced by the parties and after that the final order of the authority shows that the workman demoted to the clerk Grade III pitman for his misconduct. This fact also shows that the work of workman is not up to the mark or reached proper level. It is clear from the papers that the promotion from clerk Grade II to clerk Grade I was made on merit cum seniority. Workman’s work or performance and his CR and later the DE confirms the findings of the DPC that the performance of the workman is poor.

7. After the perusal of the DE papers, DPC’s proceedings findings and the CR of the workman, it seems that the DPC is correct for not promoting the workman and

made on consideration of classification, vacancy, DPC proceedings. Even if some one has worked for few days as Munshi, he cannot be promoted. The promotion is to be considered on the basis of merit cum seniority. Applicant has no legal right for the promotion. It was requested by the management that the statement of claim be rejected.

4. The main point for determination of the case is that whether the applicant is entitled to get promotion as Munshi ?

5. It was submitted by the applicant in his statement that he worked some time as Munshi. Two witnesses Brijraj Singh and Sriram produced on behalf of the applicant also supported the applicant but there are important contradictions between the statement of Brijraj Singh and Sriram. Sriram in his affidavit in para 2 stated that Shri Tilakraj Singh sometimes worked as Munshi but Brijraj Singh in para 2 stated that Tilakraj Singh worked only as Munshi. Applicant in his cross examination in para 12 admitted that the post of Munshi comes under the post of clerical category General Mazdoor after promotion becomes Munshi. It was also admitted by the applicant in para 13 that the promotion order is always in written, no written order issued to work in any higher grade. Applicant admitted in para 14 of cross examination that no written order granted to the applicant to work on the post of Munshi. Applicant himself suo-motu worked as Munshi. The pay of the post of Munshi not granted to the applicant. It is also stated by the applicant in para 15 that due to the non-payment of pay of Munshi, applicant himself stop to work as Munshi.

6. Brijraj Singh and Sriram in their cross examination admitted that the promotion order were always in the written form. Both of these witnesses granted promotion by the written orders.

7. Shri I. N. Das on behalf of the management clearly stated that the applicant did not worked at the post of Munshi. He was merely casual labour. He was first regularised as Category I General Mazdoor and later on he was upgraded and placed in category IInd Mazdoor.

8. It is clear from the deposition of both the sides and documentary evidence that the applicant were never appointed to the post of Munshi. Both the applicant worked sometimes as Munshi but this work of the applicant is without any authorisation by the management. No orders to work as munshi ever issued to the applicant. No pay benefits of the post of Munshi granted to the applicant therefore it is clear that the applicant has worked at the post of Munshi for sometime without any authorisation. If any employee without any authorisation worked sometimes in any post, it cannot be said that he is authorised for the regular promotion on this post. It is also clear from the pleadings that there is special procedure for the promotion

to the post of Munshi such as the DPC etc. Therefore in the absence of any such proceedings in my view applicant is not entitled to claim his seniority and promotion for the post of Munshi.

9. From the perusal of above records, in my view the applicant is unable to prove his case that he is entitled to promote on the post of Munshi and workman junior to him have been regularised. Thus in my view when the applicant is not officially worked as Munshi, then he is not entitled to any benefits or promotion on the basis of unofficial working. Therefore the action of the Sub Area Manager in not regularising applicant in the post of Munshi is perfectly legal and proper.

10. Therefore the statement of claim made by the applicant is rejected. Both parties should bear their cost including Advocate fees which is fixed as Rs. 1000 if certified.

11. The reference by the Ministry is answered that the action of the Sub Area Manager, Churcha sub area of SECL in not regularising Shri Tilakraj Singh in the post of Munshi while juniors to him have been regularised is legal and fully justified.

12. The copy of the award be sent to the Ministry of Labour, Govt. of India as per rules.

R. K. DUBEY, Presiding Officer

नई दिल्ली, 7 अगस्त, 2003

का० आ० 2534.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधातार के संबद्ध नियोजकों और उनके कर्मकार्ता के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर./187/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-2003 को प्राप्त हुआ था।

[सं० एल-22012/79/89-आई०आर०(सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 7th August, 2003

S. O. 2534.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CG1T/LC/R/187/89) of the Central Government Industrial Tribunal cum Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 6-8-2003.

[No. L-22012/79/89-IR (C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

CASE No. CGIT/LC/R/187/89

Presiding Officer : Shri R. K. DUBEY

Shri Vijay Kumar,
Through General Secretary
Koyla Mazdoor Sabha (UTUC),
Post : Dhanpuri,
Distt. Shahdol

.....Applicant

Versus

The Sub Area Manager,
Burhar Sub Area of SECL,
Post : Dhanpuri,
Distt. Shahdol

.....Non-applicant

AWARD

Passed on this 29th day of July, 2003

1. The Government of India, Ministry of Labour vide order No. L-22012(79)/89-IR (C-II) dated 26-9-89 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the Management of Burhar Sub Area of M/s. SECL, PO Dhanpuri in terminating services of their workmen Shri Vijay Kumar, General Mazdoor, Dhanpuri U/G Mine is legal and justified? If not, what relief the workman is entitled to?”

2. The brief facts of the statement of claim of the workman are that the workman worked under non-applicant on the post of General Mazdoor. Applicant injured on 21-5-84 and 21-5-85 at the time of his duty. Injury compensation also granted by the Non-applicant to Applicant. Due to this injury, applicant worked on surface as a watchman. Assistant Manager issued a written order and posted the applicant in the underground mine. Applicant objected and again requested for the grant of work on surface because of his injury but non-applicant did not consider the difficulty of the applicant and did not give the applicant any work. Applicant raised industrial dispute before ALC(C), shahdol. After that, non-applicant issued a chargesheet against the applicant. It was shown in the chargesheet that the applicant remained absent from his work from 5-8-87. Applicant also objected the enquiry but lateron he is dismissed from service. It was prayed on

behalf of the applicant that the dismissal order issued by the Non-applicant be quashed and applicant should be reinstated in service from 19-2-88 with full back wages.

3. Management in his written statement admitted that the applicant received injury while he was on duty but it is also submitted by the management that the injury compensation was granted by the management to the applicant. Applicant's injuries are not serious and after sometime applicant is able to work underground in mines but applicant did not want to work in the mines. He is a habitual absentee. He was sent to underground by the Manager, Dhanpuri to perform his original duties. This order was issued only when the applicant declared fit to perform the job by the Medical Officer. As applicant remained absent from his duties without any sanctioned leave, a chargesheet was issued against him. Notice of the enquiry sent to the applicant, displayed in the notice-board and published in the local newspaper. But the applicant intentionally did not take any part in the enquiry proceedings. Management considered the report of the Enquiry Officer and due to long absence of the applicant, terminated his services. Termination order of the applicant is proper and legal. It was prayed by the management that the statement of claim of the workman be rejected.

4. My learned predecessor on 2-8-99, decided the preliminary issues and held that the Departmental Enquiry conducted against the workman is legal and proper. Therefore issue No. 1 & 3 are decided in the favour of the management.

5. At present Issue No. 2 and 4 remains to be decided. They are as follows :—

2. Whether the punishment awarded is proper and legal ?

4. Whether the termination action taken against the workman is justified on the facts of the case?

Both of the issues are same and therefore they are decided jointly.

5. It is clear from the Departmental Enquiry that the applicant wanted only surface work. Applicant did not want to do underground duty. It is also clear from the Departmental Enquiry papers that the Medical Authorities declared applicant as perfectly fit to do his job. Non-applicant is a local company whose main work is digging the coal from under the ground therefore every worker of the coal company has to do work in the underground. It is also clear from the record that the accused intentionally remained absent from his duty and from Departmental Enquiry.

Applicant himself pleaded in his statement of claim that he did not want to do work underground. When any worker of a company did not want to do the work of company and remains absent from his duties then the only option open to the company is to remove such worker from the service. After considering the documents and evidence of both the parties and considering their arguments in my view, the only option left open to the company is to remove the workman from the service and therefore the termination order of the non-applicant issued against the workman is perfectly legal and proper.

6. As I mentioned earlier in the last para, the termination order of the applicant issued by the company i.e. non-applicant is perfectly legal and proper therefore the statement of claim of the workman is dismissed. Both parties shall bear their own cost. Advocate fees is Rs. 1000 if certified.

7. The reference put up by the Ministry is answered that the termination order of the workman issued by the SECL is legal and justified and therefore the workman is not entitled for any relief.

8. The copy of the award be sent to the Govt. of India, Ministry of Labour as per rules.

R. K. DUBEY, Presiding Officer

नई दिल्ली, 7 अगस्त, 2003

का० आ० 2535.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. प्रबंधन प्रक्रिया के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, हैदराबाद (संदर्भ संख्या 256/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-04-2003 को प्राप्त हुआ था।

[सं० एल-22012/455/99-आई.आर. (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 7th August, 2003

S.O.2535.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 256/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 01-04-2003.

[No. L-22012/455/99-IR (C-II)]

N.P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT HYDERABAD-500 001

No. I.D. 256/2001

CORRIGENDUM

Corrigendum to the Award passed in I.D. No. 256/2001 dated 27-8-2002 published in the Official Gazette to be published in Part II, Section 3, Sub-section (iii) of the Gazette of India not later than 23-11-2002 vide Notification No. L-22012/455/99-IR (C-II) dated 28-11-2002, the parties to the dispute read as follows :

“BETWEEN

The Vice President,
Central Council, S. C. Workers Union,
Coal Chemical Complex.Petitioners

AND

The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Sreerampur-504303.Respondent”

INSTEAD OF:

“BETWEEN:

1. Shri Katta Madhusudhan,
Fitter, SR-II
R/o Qtr. No. S/D 527,
Godavari Colony,
C.C.C. Naspoor.
2. Sri Devnoori Ashok Kumar,
Electrician, SRP-II
R/o Qtr. No. New Delhi-2887,
Nagarjuna Colony,
C.C.C. Naspoor. Petitioners

AND

The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Srirampur Project Area.
....Respondent”
E. ISMAIL, Presiding Officer

नई दिल्ली, 7 अगस्त, 2003

का. आ. 2536.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय एस. सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद (संदर्भ संख्या 257/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-4-2003 को प्राप्त हुआ था।

[सं० एल- 22012/456/99-आई आर (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 7th August, 2003

S. O. 2536.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 257/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 01-04-2003.

[No. L-22012/456/99-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT,
HYDERABABAD-500001**

PRESENT

No. ID. 257/2001

Dated the 21st March, 2003

CORRIGENDUM

Corrigendum to the Award passed in I. D. No. 257/2001 dated 27-8-2002 published in the official Gazette to be published in Part II, Section 3, Sub-section III of the Gazette of India not later than 23-11-2002 *vide* Notification No. L-22012/456/99-IR(C-II) dated 28-10-2002, the parties to the dispute read as follows;

“Between

The Vice President (Sri D. S. Rao),
Central Council, S. C. Workers Union
(AITUC),
Coal Chemical Complex,
Distt. Adilabad-504302.Petitioners

And

The General Manager,
M/s Singareni Collieries Co. Ltd.,
Sreerampur-504303 Respondent”

INSTEAD OF:

“Between

Sri B. Venkateswar Reddy,
R/o Qrt. No. 5/D66,
C. C. C. Naspoor Petitioner

And

The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Srirampur Project Area, Respondent”

E. ISMAIL, Presiding Officer

नई दिल्ली, 7 अगस्त, 2003

का. आ. 2537.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेंक आॅफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 37/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-2003 को प्राप्त हुआ था।

[सं० एल- 12012/291/97-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 7th August, 2003

S. O. 2537.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 37/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, which was received by the Central Government on 07-08-2003.

[No. L-12012/291/97-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, JABALPUR**

CASE NO. CGIT/LCR/37/98

PRESIDING OFFICER: SHRIR. K. DUBEY

Shri Om Prakash,
S/O Shri Kuber Singh,
Gram Nekpur Khurre,
Post Awajpur,
Distt. Farookhabad applicant

versus

The Zonal Manager,
Bank of India,
Zonal Office, Jail Road,
Arera Hills,
Bhopal Non-applicant

AWARD

Passed on this 31st day of July, 2003

1. The Government of India, Ministry of Labour vide order No. L-12012/291/97-IR.B.II dated 27-2-98 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of Manager, Bank of India in not allowing Shri Om Prakash, S/o Kuber Singh to join duty w.e.f. 22-4-97 is justified ? If not, what relief is the workman entitled to ?”

2. The brief facts of the statement of claim are that the applicant is Ex-Service man he was re-appointed under the non-applicant at the post of clerk cum typist. Although he worked much after the office hours but no over time allowance ever paid to him. Applicant did his work with honesty but applicant's Officers and colleagues unreasonably adopted hostile attitude towards the applicant. They harassed the applicant. Applicant is not a member of any Union. Therefore Union members and leaders also are also against the applicant. Applicant's officers, colleagues, Union members and leaders unreasonably withdraws many facilities of the applicant. Applicant's superiors withdraw all the work of the applicant and from 22-4-97 onwards they do not permit the applicant to join his duty therefore applicant on several accounts claimed Rs. 1,65,200/- and prayed that he may be permitted to join his duty.

3. Non-applicant denied all the charges on allegations of the applicant. It was submitted by the non-applicant that the applicant's behaviour towards his superior, colleagues and customers of the bank are not friendly. He adopted hostile attitude. Applicant was in the habit of late coming and early going from the office and in the noon time during the office hours he leaves office for several hours. Applicant was also not in the habit of signing the attendance register and mark the timing at the place provided for this purpose. When the applicant signed the register, he signed in full and brought several irrelevant things relating to his salaries and other facilities regarding attendance register. Looking after the unnatural behavior of the applicant, he was examined by Dr. Samit Roy on 4-1-97 at the Bank's cost. Dr. Roy certified that the applicant suffered from delusional disorder of paranoid type. Applicant advised by the management to take leave and undergo proper medical treatment till completely cured. Applicant was also examined by the chief Medical, Hamidia Hospital, Bhopal for the same reason. But the applicant did not want to go on sick leave. As the applicant's mental condition is worsen than the management directed applicants to go on the sick leave. It was submitted by the management that when the applicant completely cured and filed a medical certificate by a competent medical officer in this regard then he is allowed to resume his duty.

4. The following issues are necessary for the just decision of the case :—

1. Whether the applicant is suffering from any mental disease ?

2. Whether the management is entitled to sent the applicant forcibly on sick leave.

3. Whether the workman is entitled for any relief ?

5. Issue No. 1 :

I perused the lengthy documents and pleadings filed by the applicant. Applicant's main theme is that all his superiors, all his colleagues and all the Union member and leaders are against him (workman). Applicant is unable to show any reason for all other person's hostile attitude towards him. When any person thinks in these terms that all world are against him than in another words it means that he suffers from any mental disease. It is true that applicant is exserviceman but nobody is against any ex-servicemen. I also perused the documents of the other party but still I do not find any reason to support the contention or submission of the applicant. Applicant was examined by at least 2 doctors one is Dr. Sumeet Roy and another is the Chief Medical Officer, Hamidia Government Medical Officer, Bhopal. Dr. Sumeet Roy clearly submitted that the applicant suffered from delusional disorder of paranoid type. Dr. R. N. Sahu, Assistant Professor, Gandhi Medical College Hamidia Hospital Bhopal and also a Sr. Psychiatrist confirms the findings of Dr. Sumeet Roy. Applicant claimed that Bank purchased both the doctors but this also confirmed the findings of the psychiatrist.

6. Management produced Shri S. M. Afaq applicant's boss captain V. Vijayan. Captain V. Vijayan stated that the applicant was in the habit of leaving office premises at 1 PM and returning at 3 PM and again leaving office at 4 PM regularly. He was advised and warned by this witness. Applicant was also absent from his duties. Dy. Zonal Manager, Shri. S. B. Jain instructed through this witness to the applicant to meet him immediately. But the applicant did not meet the Dy. Zonal Manager Shri Afaq also confirmed the unreasonable attitude of applicant.

7. Photocopy of attendance register was also produced before the tribunal. Applicant signed one time in 5 days by one signature and there were many irrelevant things written by the applicant in the attendance register like pay all dues, arrears etc. Attendance register's main object was only to keep the record of the attendance of the employees. No body can write his personal facts or reasons on the attendance register. This also shows the unhealthy attitude of the applicant.

8. Thus it is clear from the evidence from the documents furnished by both the parties that the applicant suffers from the delusional disorder of paranoid type.

9. Issue No. 2 :

It can be questioned that whether the management is entitled to send forcibly any workman on sick leave or not but in my view when any workman clearly suffers from mental disorder or mental disease adopted hostile attitude towards all his superiors, colleagues and all other persons

who comes into contact then it is necessary for the proper environment of any office that such type of workman or person be ordered to take leave to undergo the treatment by the proper psychiatrist. If any such type of person who suffers mental disease or disorder and adopted hostile attitude towards all the world allow to do work then it resulted in only chaos. The condition of the office is also effected by the behavior of such type of person therefore in my view, the management is justified and takes just and proper action by ordering the applicant to go on sick leave and to take proper medical treatment from a competent psychiatrist.

10. Issue No. 3 :

Applicant in his statement of claim claimed several reliefs like overtime, arrears etc. but these facts are clearly outside or not in purview of the reference send by the Ministry of Labour. It is also clear that this tribunal has no inherent power therefore this tribunal cannot consider or decide the matters which are not in the reference or which do not comes in the purview of the reference. As I mentioned earlier applicant suffers from delusional disorder of paranoid type. He is sent to sick leave to undergo proper medical treatment till completely cured, then the management is justified in not allowing the applicant to join his duties therefore applicant workman is not entitled to any relief.

11. It is clear from the above findings that the applicant suffers from mental disorder and the action of the management is justified in not allowing the applicant to join his duties. Therefore applicant's statement of claim is rejected. Both parties should bear their own cost. Advocate fees is Rs. 1500/- if certified.

12. The Central Labour Ministry's reference is answered that the action of the management of Manager, Bank of India in not allowing Shri Om Prakash to joint duty w.e.f. 22-4-97 is justified.

13. Copy of the award be sent to the Govt. of India, Ministry of Labour as per rules.

R. K. DUBEY, Presiding Officer

नई दिल्ली, 7 अगस्त, 2003

का. आ. 2538.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू इंडिया एश्योरेन्स कं. लि. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नई दिल्ली के पंचाट (संदर्भ संख्या 170/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-2003 को प्राप्त हुआ था।

[सं. एल-17012/56/97-आई आर (बी-II)]

सौ. गंगाधरण, अवर सचिव

New Delhi, the 7th August, 2003

S. O. 2538.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 170/98) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the management of New India Assurance Company Ltd. and their workman, which was received by the Central Government on 07-08-2003.

[No. L-17012/56/97-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

PRESIDING OFFICER, Shri B. N. Pandey

L D. No. 170/98

Shri Pappu Singh

Through The General Secretary,
General Insurance Employees Federation,
Northern Region, C-30,
Community Centre, Naraina,
New Delhi- 110028

... Workman

Versus

The Regional Manager,
The New India Assurance Company Ltd.,
6, Bahadur Shah Zafar Marg,
New Delhi.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L- I7012/ 56/97/ IR (B-II) dated 18-8-1998 has referred the following industrial dispute to this Tribunal for adjudication:—

“Whether the action of the management of New Indian Assurance Co. Ltd. by not absorbing Shri Pappu Singh, Sub-Staff, S. S. F. (peon) from January, 94 is legal and justified? If not, to what relief the workman is entitled?”

2. The workman has neither adduced any evidence so far nor has been appearing for the last several dates the management has also absenting. It appears that the parties are not interested in prosecuting the ease.

3. Hence no dispute award is given for want of prosecution.

B. N. PANDEY, Presiding Officer

Dated 4-8-2003.

नई दिल्ली, 7 अगस्त, 2003

का. आ. 2539.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको

बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 41/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-2003 को प्राप्त हुआ था।

[सं० एल-12012/36/94-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 7th August, 2003

S. O. 2539.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 41/94) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 07-08-2003.

[No. L-12012/36/94-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

CASE NO. CGIT/LC/R/41/94

PRESIDING OFFICER : SHRI R. K. Dubey

The Divisional Manager,
UCO Bank, E 5,
Arera Colony,
Bhopal

... Applicant

versus

Shri Goverdhan Sharma,
Secretary, UCO Bank Employees Union,
Gwalior, Vinay Nagar,
Sector 4, Box No. 19,
Gwalior

... Non-applicant

AWARD

Passed on this 29th day of July, 2003

1. The Government of India, Ministry of Labour *vide* Order No. L-12012/36/94-IR-B-II dated 27-4-94 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the management of UCO Bank, Gwalior in imposing the penalty of stoppage of five increments on Shri Goverdhan Sharma sub-staff *vide* their order dated 29-5-93 is justified ? If not, what relief the said workman is entitled to ?”

2. Applicant’s statement of claim in brief is that the applicant worked in the Sonagiri districts Datia Branch of Non-applicant as peon. He is active member of the

employees Union. Applicant made several complaints against the then Divisional Manager Shri D.K. Parwani. Applicant worked in his branch on 4/6/91. He reached his branch at 10.15 and left the branch at 5.45 PM in the evening. A false report against the applicant is lodged by Shri D.K. Parwani in the police station on 4-6-91. On the basis of the FIR, police arrested the applicant and filed the challan before the CJM, Gwalior on 13-12-91. But against the 1st Bi Partite Settlement, para 19(4), non-applicant issued a charge-sheet against the applicant within a year. Shri Parwani himself a complainant and also a disciplinary authority therefore Shri K.M. Kothari, Assistant General Manager appointed as Disciplinary Authority. Enquiry Officer conducted the enquiry but the final order was passed by Shri K.M. Thakkar who was not a competent Disciplinary Authority. There are 5 persons including applicant charge-sheeted by the management.

All the other culprits received warning from the management but applicant is severely punished by withholding his 5 increments. It was prayed by the applicant that the enquiry is vitiated and the Disciplinary Authority discriminated the applicant, applicant’s case is not different with his fellow workers. It was prayed by the applicant that the enquiry and the entire action should be declared as illegal, unjustified, mala fide inoperative and void-*ab initio*.

3. Non-applicant in his reply denied all the pleadings of the applicant. It was plead by them that the applicant is present on the crucial day at Gwalior. He mis-behaved and assaulted mentally, physically and verbally on Mr. Parwani. applicant’s conduct did not come within the purview of Bi partite Settlement. 1st disciplinary Authority appointed by the management is Mr. K.M. Kothari but Mr. K.M. Kothari after some time took his voluntary retirement therefore Shri K.M. Thakkar was appointed as a Disciplinary authority. It is also submitted by the non-applicant that the case of the applicant is different from all other co-workers who charge-sheeted by the management. Applicant enticed all his fellow workers. He himself attacked the Divisional Manager. Therefore his case is different. Therefore his punishment is also different. Applicant’s punishment is very lenient and mild. Whereas the offence conducted by him is very serious. It was prayed by the management that the punishment given by them to the workman is just and proper therefore the statement of claim filed by the workman be rejected.

4. Applicant in 13-2-96, admitted the DE papers. I also carefully perused the DE papers. It seems that the Enquiry Officer conducted the DE in a proper and legal manner. Applicant received proper opportunity to defend his case. Management’s witnesses are cross-examined by his representative. Thus it is clear that the DE conducted against the applicant is just, proper and legal.

5. Issue No. 3 is whether the charges of the misconduct is proved from the facts of the case? It is clear

from the evidence given by the management witnesses that the applicant enticed and abetted his fellow workers and fellow Bank officers who entered into the chamber of the Bank Manager. All the important bank officials at the instance of the applicant left the place because applicant told them that he wanted to talk to Bank Manager privately. It is clear also from the evidence that the applicant thereafter physically assaulted and made several threats against the Divisional Manager Mr. Parwani. It is true that except Mr. Parwani, there is no eye witness in this case but the evidence of other witnesses who reached the place soon after the incident are also important. Their statements are admissible under the principles of *res gestae*. It is clear from the evidence lead by the management that the applicant committed the offence and he is also the main abettor or leader of the crime. Thus in my view, the charges of misconduct is sufficiently proved against the applicant.

6. Issue No. 4 is whether the punishment awarded is proper and legal?

As I mentioned in last para, applicant is the main leader of the incident. He enticed and abetted other fellow Bank officials and staff members against Mr. Parwani. He himself physically assaulted the Divisional Manager, Shri Parwani. Therefore the case of applicant is different from his other fellow conspirators. Punishment awarded to the accused is always related to his offence. All other fellow conspirators did not take active part in the offence. Therefore if the Manager left them with a warning then the punishment of warning is sufficient in the case of fellow conspirators but looking into the gravity of the offence, it was necessary to punish the applicant more severely. Management ordered the stoppage of 5 increments of the applicant. In my view, this punishment is very lenient. Therefore it seems that the punishment awarded to the applicant is proper and legal. In my view, the enquiry conducted against the applicant is legal and justified. The action taken by Shri K. M. Thakkar is also proper because Shri K. M. Thakkar is not a complainant and he is a very senior officer. It is also proved that the management very leniently awarded the punishment of stoppage of 5 increments. Therefore, The action of the management of the Bank resulting in the penalty of stoppage of 5 increments of applicant is justified. Applicant's statement of claim is rejected. Both parties should bear their own cost Advocate fees is Rs. 1000 if certified.

7. The reference of the Ministry is answered that the action of the management of UCO Bank, Gwalior in imposing the penalty of stoppage of 5 increments of Shri Govardhan Sharma is justified.

R. K. DUBEY, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2540.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं

इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट (संदर्भ संख्या 101/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-2003 को प्राप्त हुआ था।

[सं. एल- 11012/24/97-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S. O. 2540.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 101/98) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India and their workman, which was received by the Central Government on 07-08-2003.

[No. L-11012/24/97-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NEW DELHI

PRESIDING OFFICER, Shri B. N. Pandey

L. D. No. 101/98

Shri Brij Nath Maurya,
C/o Gulabdin,
S 313/112, Purvi Mehram Nagar,
Palam Airport,
New Delhi.

... Workman

Versus

The Senior Manager,
Air, India
Himalaya House,
K.C. Marg,
New Delhi.

... Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/24/97-Coal I dated 13-4-98 has referred the following industrial dispute to this Tribunal for adjudication:—

“Whether the action of the management of Air India is depriving the workman Shri Brij Nath Maurya, Casual Loader of regularisation of service as per scheme dated 4-3-91 approved by the CGIT. New Delhi is just fair and legal? If not, what relief the concerned workman is entitled to and from what date.”

2. The Workman filed his statement of claim to direct the management to regularise services of the workman from the date on which he is entitled to be regularised and also to give him other benefits including back wages.

3. The claim of the workman was contested by the Management of Air India by way of filing a written statement. It was inter alia alleged that the claimant was given full opportunity to appear before the Management for interview for his regularisation but he failed to appear and that there can be no regularisation without following the procedure laid down in the scheme for regularisation and that the claim has been raised after a lapse of nearly 7 years and that the claim is misconceived and based on wrong facts. Hence it is not maintainable.

4. A rejoinder to the written statement was also filed by the workman reiterating his earlier versions and denying contents of the written statement.

5. In support of his case workman filed his own affidavit and the management filed affidavit of Shri Surender Kumar, the then Deputy Manager Personnel of the Management. Besides a few documents, Shri Surender Kumar was also cross-examined by the workman. However, after filing his own affidavit workman did not appear for his cross-examination despite several opportunities. Ultimately his cross-examination was closed and the case was ordered to be proceeded ex parte against him. Thereafter he did not appear and participate in the further proceeding of the case. The management filed its written arguments.

6. Heard Shri Gyanandra Mishra A/R of the Management and none appeared for the workman. Hence I perused the file and considered submissions of the A/R of the Management. In the evidence of the Management it has come that the workman did not appear for interview for his regularisation despite sending interview letters through registered post. That the subsequent letter of interview dated 13-12-91 was sent through registered post on the workman's address which was never received back by the management's office as undelivered. The management witness Shri Surender Kumar has also stated in his cross-examination that the workman had never appeared before me personally in the year 1995, as alleged by him for requesting to fix date for his interview, which remains unrebutted. I find that the workman claimant has failed to prove as to why he did not appear for his interview when he was called for the same by the management. In absence of rebuttal there seems to be no reason to disbelieve the statement and evidence of the management witness against the workman. Therefore, I find no force in the claim of the workman. There was nothing illegal, unjust and unfair in the action of the management of Air India in not regularising his services in compliance with the award of the Central Government Industrial Tribunal, New Delhi. I also find that the workman is entitled to no relief at all. The reference is answered accordingly.

Dated 5-8-2003

B. N. PANDEY, Presiding Officer

न० ८८८, ८ अगस्त, २००३

का. आ. 2541.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 78/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-2003 को प्राप्त हुआ था।

[सं. एल- 20012/19/92-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S. O. 2541.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 78/93) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 07-08-2003.

[No. L-20012/19/92-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 78 OF 1993

PARTIES: Employers in relation to the management of Kargali Washery of M/s. C.C.L. and their workman.

APPEARANCES:

On behalf of the workman : Shri B. B. Pandey,
Advocate.

On behalf of the employers : Shri D. K. Verma,
Advocate.

State : Jharkhand Industry : Coal

Dhanbad, the 17th July, 2003

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred as the under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/19/92-I.R. (Coal-I), dated the Nil.

SCHEDULE

“Whether the denial of the regularisation of Shri Noor Mohammed and 125 others, contract labour,

working in Kargali Washery of M/s. C.C. Ltd., by the management of Kargali Washery of M/s C.C. Ltd. is legal and justified? If not, to what relief these workmen are entitled?"

2. The case of the concerned workman according to W.S. submitted by the sponsoring Union on their behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workmen were recruited on different dates by the management for carrying on various kinds of jobs of Kargali washery and they were paid through intermediaries i.e. the contractors. They submitted that the concerned workmen worked for several years continuously and put their attendance for more than 240 days in each year. They submitted that some of the workmen were attached to M/s. Joy Transport company and on their demand for regularisation and direct payment, the G.M., 1 Bokaro Kargali Area issued instruction by his order dt. 1-11-79 to work under the management by forming a co-operative society. They disclosed that the G.M. described that the recruitment of workers would be under "Slurry removal" scheme and their work will be to remove slurry from the slurry ponds of Kargali washery under direct control and supervision of the management officials. Accordingly, a cooperative society was formed under the name and style Kargali Sramik Co-operative Society and got the same registered on 17-11-80. Thereafter they were entrusted to remove slurry from slurry ponds for loading the same in the trucks hired by the management for transportation and unloading the same at the dump. They submitted that the job for removal of slurry was of permanent in nature and the concerned workmen were employed regularly for more than a decade on meagre wages in the form of co-operative control workers. They alleged that the paper works prepared by the management was merely to deny the workmen from their legitimate dues by adopting unfair labour practice of exploitation.

3. They alleged that Govt. of India by notification dt. 11-12-90 has prohibited engagement of contract labours in the washeries on the job of Transport of middlings and removal of slurry. They submitted that notwithstanding the above notification the management engaged the concerned workmen on the job of removing loading and unloading slurry, as contractor workers by adopting camouflage and by forming a cooperative society. They submitted that the concerned workmen are workmen of the management and not of any contractor as they were recruited by the management initially out of workmen of M/s. Joy Transport Company and subsequently from other contractors in the name and style of workmen of Kargali workers co-operative society and they discharged their duties under direct control and supervision of the management officials with the help of the implements supplied by them but in spite of performing jobs directly under control of the management they refused to regularise

them and for which Industrial dispute was raised which resulted reference to this Tribunal. The sponsoring union on behalf of the concerned workmen accordingly submitted their prayer to pass award directing the management to regularise their service from the initial date of their appointment with other consequential relief.

4. The management on the contrary after filing Written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in their written statement. They submitted that Kargali Washery is engaged in washing of raw coal for its use in the steel plant. In this process, same fluid with fine particulars of sand coal rejects floods out of the washery and the same are collected outside the washery premises in the ponds. Such fine particles of sand coal rejects are thereafter collected and dumped at a selected place. Outside the washery premises for its disposal. They submitted that for want of adequate qualities of raw coal of suitable grade the production of the washery has gone down in recent years. They disclosed that the management had adequate number of departmental workers for the removal of slurry and their number was more than 270, which now has come down in 230 workers and for shortage of slurry these workers do not get sufficient work and for which they have been compelled to direct them to perform different other jobs. They submitted that about 20 years ago or more there was a Transport company known as J.T.C. who undertook contract job of loading raw coal of B & K area into the trucks for transportation to Kargali washery. At that time the said Transport company engaged some workers for the purpose of transportation of raw coal but when that contract was stopped those workers of the said Transport company became unemployed. Thereafter at the intervention of Sri Bindeswari Dubey President/G.S. of R.C.M.S. those unemployed workers created a co-operative society who were given contract to remove slurry from the slurry tank specifically marked for the same from time to time and the said job included, collection of slurry, its loading, transportation and unloading at the place year marked for the same. They submitted that the management used to issue pay order in the name of the said cooperative society as per contractual rate on the basis of bills submitted by them. They submitted that the work relating to removal of slurry at no time would have required engagement for more than 30 workers per day. They disclosed that as they have their own workers for removing slurry there was no requirement to engage any workmen from outside but in the year 1979 as J.T.C. Transport company was closed their workmen became unemployed, that on compassionate ground they decided to give contract for removing slurry to those workmen through a co-operative society and for which in no circumstances they should be considered as their workmen. They not only denied violation of any provision of contract labour (Regulation and Abolition) Act but also denied the fact that the job performed by them was parnial in nature and carried on the same for

years together and gave their attendance for more than 240 days in a year. They also denied the fact of supervising their work by their own officials and supplied the implements for removing slurry. They categorically denied the fact that they exploited the services of the workmen in disguise of co-operative society which was created by them. Accordingly, management submitted their prayer that the claim of the concerned workmen for regularisation finds no basis and for which their prayer shall be liable to be rejected.

5. Points to be decided in this reference are :

“Whether the denial of the regularisation of Shri Noor Mohammed and 125 others, contract labour, working in Kargali washery of M/s. C.C. Ltd. by the management of Kargali Washery of M/s. C.C. Ltd. is legal and justified? If not, to what relief these workmen are entitled?”

FINDING WITH REASONS

It transpires from the record that the sponsoring union have examined one witness as WW-1 in order to substantiate the claim of the workmen. Management also in support of their claim have examined one witness as MW. 1. Now let me consider how far the sponsoring union have been able to substantiate the claim of the concerned workmen for regularisation of their services under the management.

It is the specific claim of the sponsoring union that the concerned workmen were recruited on different dates by the management with a view to perform various kinds of jobs at Kargali washery directly though their wages had been paid through intermediaries describing them as contractors workers. They disclosed that each and every workmen performed their jobs directly under control and supervision of the management officials for years together and each year they performed jobs for more than 240 days continuously and uninterruptedly. They disclosed that M/s. Joy Transport company was a camouflage one and in disguise of the said company management had exploited their services without [There is illegible matter] They further alleged that when the said Joy Transport Company left the job direct instruction of the management a co-operative society was formed under the name and style Kargali Shramik Sahayog Samity Ltd. They alleged that the said co-operative society was a paper transaction for carrying on the jobs of removal of slurry from slurry ponds of Kargali washery belonged to the management for loading slurry in the trucks hired by them for transportation and also for unloading the same at the dump in the presence and direct supervision of the management officials who used to verify, and check the quality of slurry transported and dumped at a very low cost so as to deprive them from their legitimate payment as per N.C.W.A. They submitted that removal of slurry from the slurry ponds of the washery is a permanent and perineal nature of job and they were employed by the management about a decadre back on payment of meagre

wages in the form of co-operative contract workers. They further submitted that the paper works created by the management is merely to deny them from their legitimate claim by adopting the measure of exploitation and unfair labour practice. They disclosed that Govt. of India by notification dt. 11-12-90 has prohibited engagement of contract labour in the washeries on the jobs of Transport of middlings and removal of slurry. It is the contentions of the sponsoring union that inspite of specific direction given in the said notification management exploited the services of the concerned workmen for removal of slurry, loading and unloading slurry as contractors workers.

6. From the evidence of MW-1 it transpire that main function of their washery is to prepare coal. The process for preparing coal is first to bring raw coals from the colliery and thereafter it is entrusted to mines M.M and then it is washed in different Sections for separations of stones from coal. Waste water after washing raw coal again are recycling for extracting remaining part of coal dust and thereafter the water is drained out from the washery for recycling purpose. Before the said water is used for recycling in the matter of washing raw coals the same is stored in 19 tanks situated near the washery but of 19 tanks in four tanks, coal particles are saturated and the same are collected and removed through their own workman. He disclosed that initially management used to deploy 271 piece rated workers for this purpose which at present come down to 150 due to non-availability of sufficient coal particles.

7. He submitted that before 1979, Transport contractors i.e. Joy Transport company was engaged for loading coal in the trucks with the help of its workmen. In the year 1978 the said contractor left the job and for which their workmen became unemployed. Thereafter, at the intervention of Bindeswaary Dubey President, R.C.M.S. a cooperative society was formed and registered under the name and style of Kargali Shramik Sahayog Samity Ltd. to provide employment of the workmen of J.T.C. who became unemployed. Thereafter said President of R.C.M.S. had a talk with the management and after discussion management agreed to allow the workmen of that cooperative society to remove slurry from outside two tank and also for its transportation on the basis of contract and in this way the workmen of the said society worked upto 1999 but thereafter the said work was stopped as no sufficient quantity of slurry was available there. He submitted that the said cooperative society being contractor entered into contract with the management and on the basis of that contract they used to deploy the services of their members for extracting slurry from the said two tanks and also for its transportation. The work was on contractual basis the society used to look after and supervise the work of their workmen. This witness further disclosed that the management had no business to see how many workers the said cooperative society used to employ to perform the said job as per contract. He further disclosed that the

management used to sanction contractual money in favour of the society on the basis of the bills submitted by them and they used to disburse wages to their workmen. WW-1 in course of his evidence disclosed that initially they were the workmen of Joy Transport Company and on behalf of the said company they used to collect slurry from tank No. 5 & 6. He submitted that when the said company left the job of the management they formed a cooperative society under the names and style Kargali Shramik Sahayog Society and the said society was registered under co-operative society's Act, Bihar. He admitted categorically that they were the employees of that society and used to receive their wages from the said society on the basis of work done by them. He admitted that their society used to look after everything about their service matter. He admitted further that at present no slurry is available in the tanks.

8. In course of evidence management relied on the letter issued by Kargali Shramik Sahayog Samity Ltd. to show that the concerned workmen were direct employees of the said society. I find corroboration of this fact considering contents of the letter in question Ext. M-1. It is the specific contention of the management that on the basis of contract and as per work order they used to release work to be done by the society and payment order also was to be issued against the work done and bill submitted to that effect. The documents marked as Ext. M-2 to M-2/3 will definitely support the claim of the management. Management also relied on the Man Power Budget for 1997-98 in respect of the Area Kathara marked as Ext. M-3. To rebut the claim of the management the sponsoring union have failed to produce a single scrap of paper. It is the specific allegation of the sponsoring union that Joy Transport Company was a camouflage company and in disguise of the said company management exploited the services of the concerned workman. It is their further allegation that the cooperative society was formed by the management under their direct control and supervision. These workmen accordingly worked being workmen of the management under their direct control and supervision. WW-1 in course of his evidence admitted categorically that initially they were employees of J.T.C. but when the said company left the job they became unemployed and thereafter they formed a registered co-operative society for getting job under the management. From the evidence of MW-1 and WW-1 it is clear that the society used to take up work of collecting slurry as per contract and the management used to pay bills to the society on the basis of work done. Thereafter, the said society used to disburse wages to its workers. I find no whisper from the evidence of the workmen i.e. WW-1 that the J.T.C. was an organisation created by the management. No evidence is also forthcoming to show that the said cooperative society was also formed under direct control and supervision of the management. Onus absolutely rests on the sponsoring

union to establish that the management exploited the services of the concerned workmen in disguise of these two organisations. I find no hesitation to say that the sponsoring union have failed to establish this fact lamentably and accordingly there is no scope to uphold the submission of the sponsoring union in this regard.

9. It is the specific claim of the management that due to short accumulation of slurry as they failed to used their own manpower they have been compelled to engage a good number of workmen in other jobs. This fact could not be rebutted by the sponsoring union. As such there is reason to say that management is now facing surplus staff. WW-1 during his evidence admitted that no slurry has been accumulated in the tanks for which they are not getting any job, since 2000. It is therefore, clear that the nature of job which the concerned workmen performed was not permanent in nature. It is not expected that by accepting this claim of the sponsoring union the management will be over burdened with workmen particularly when they are facing surplus staff.

10. It is to be looked into here with all importance if the management exploited the services of the concerned workman erecting two camouflage organisations i.e. Joy Transport Company and Kargali Shramik Sahayog Samity Ltd. In details I have already discussed above about the status and positions of the said two organisations. I find no dispute to hold that the said two organisations were independent in characters and had no manner of direct connections with the administration of the management. It is clear that the workmen were the workmen of those two organisations who took up work of the management on the basis of contract and as per work order. These two organisations used to pay wages to their workers. As such it is clear that these workmen had no manner of direct or indirect involvement with the management as of their workmen excepting the work done by them being engaged by these two organisations.

Accordingly after careful consideration of all the facts and circumstances I hold that the sponsoring union have failed to justify their claim and for which they are not entitled to get relief according to their prayer.

“The denial of the regularisation of Shri Noor Mohammed and 125 others, contract labour working in Kargali Washery of M/s. C.C. Ltd. by the management of Kargali Washery of M/s. C.C. Ltd. is legal and justified. Consequently, the concerned workmen are not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2542——औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II धनबाद के पंचाट (संदर्भ संख्या 33/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-03 को प्राप्त हुआ था।

[सं. एल-20012/44/96-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S. O. 2542.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 33/97) of the Central Government Industrial Tribunal-II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-8-2003.

[No. L-20012/44/96-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT:

SHRI B. BISWAS,

Presiding Officer. *

In the matter of an Industrial Dispute under Section 10(I)(d) of the I.D. Act, 1947

Reference No. 33 of 1997

PARTIES:

M/s. BCCL's Katras Area and their workman.

APPEARANCES:

On behalf of the Workman : Shri K. Chakravorty,
Advocate.

On behalf of the Employers : None.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 18th July, 2003

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(I)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/44/96-IR (Coal-I), dated, the 1st April, 1997.

SCHEDULE

“Whether the demand of the Union for the assessment by the Apex Medical Board of the age of Sh. Habib Mia, Timber Mistry is legal and justified ? If so, to what relief is the concerned workman entitled ?”

2. The case of the concerned workman according to W.S. submitted by the sponsoring union on his behalf in brief is as follows .

It has been submitted by the sponsoring union that the concerned workman was appointed as Timber Mistry in the month of July, 1961 at Katras Choitudiy Colliery. At that time his date of birth in the statutory Form B Register was recorded as 1937. After his appointment management issued identity card to him wherein also his date of birth was recorded as 1937. They alleged that knowing fully well about recording date of birth as 1937 in the Form B Register the management illegally and arbitrarily superannuated him from his service in the year 1993. They submitted that when the concerned workman received notice of his superannuation with effect from 3-6-93 he submitted representation to the management disclosing that he was being illegally and arbitrarily superannuated him from his service in the year 1993. They submitted that when the concerned workman received notice of his superannuation with effect from 3-6-93 he submitted representation to the management disclosing that he was being illegally superannuated from service with effect from that date as his date of birth in the Form B Register was recorded as 1937 but the management ignoring his prayer superannuated him from that date. Accordingly he raised an industrial dispute before the ALC(C) through his sponsoring union for conciliation which ultimately resulted reference to this Tribunal for adjudication.

3. Management on the contrary after filing W.S.-cum-rejoinder have denied all the claims and allegations which the concerned workman through his sponsoring union asserted in the written statement.

Management submitted that as per Company's record, the year of birth of the concerned workman was mentioned as 1931 and as per the provision of the certified standing order his date of birth was considered as 1-7-81 for the purpose of deciding his date of superannuation from service. They submitted that the aforesaid fact was communicated to the concerned workman in the year 1987 when service excerpt was communicated to him. They submitted that the concerned workman accepting his date of birth as 1-7-31 returned back the copy of the service excerpt under his signature without raising any dispute. They disclosed that after receiving the notice of his superannuation demanded for correction of his age and in doing so he manipulated the identity card issued to him altering the figure 31 to 37 and demanded for correction of his age through Apex Medical Board which was not considered and final order of his superannuation was issued by letter dt. 3-6-93. They submitted that the concerned workman was given full information relating to his date of birth in service excerpt in the year 1987 but at that time he did not

raise any dispute though he was fully aware of his date of birth as 1-7-31. Accordingly, management submitted that the concerned workman is not entitled to get any relief on the basis of his illegal prayer and for which his prayer will be liable to be rejected.

4. The points to be decided in this reference are :—

“Whether the demand of the Union for the assessment by the Apex Medical Board of the age of Sh. Habib Mia Timber Mistry is legal and justified ? If so, to what relief is the concerned workman entitled ?”

DECISION WITH REASONS

5. It transpires from the record that the concerned workman in order to substantiate his claim examined himself as WW-1 Management inspite of getting ample opportunities did not consider necessary to adduce any evidence on their part. Even they did not consider necessary to cross-examine WW-1 and for which the instant case was heard *ex parte*. Considering the evidence of WW-1 as well as the considering pleadings of both sides I find no dispute to hold that the concerned workman as Timber Mistry joined at Katras Chautidhi colliery in the month of July, 1961. He submitted that at the time of entry in the service his year of birth was recorded by the management in the Statutory Form B Register as 1937. He further submitted that thereafter management issued identity card to him wherein also his year of birth was recorded as 1937. He alleged that inspite of knowing his year of birth as 1937 management illegally and arbitrarily superannuated him from his service with effect from 3-6-93. During evidence of the concerned workman identity card which was issued to him by the management was marked as Ext. W-1. The identity card reveals that year of birth of the concerned workman was recorded as 1937 and not 1931.

6. On the contrary from the submission of the management as per their pleading it transpires that at the time of entry in the service year of birth of the concerned workman was recorded as 1931 and as per the provision of the Standing order to fix the date of his superannuation his date of birth was recorded as 1-7-31. They submitted that in the year 1987 service excerpt was issued to the concerned workman for his comments wherein also his date of birth was recorded as 1-7-31. But he without raising any objection in the matter of his date of birth recorded therein returned back the same duly signed by him. Before the date of superannuation they when issued notice to the concerned workman he raised his objection disclosing that his year of birth was 1937 and not 1931. He further submitted this prayer to assess and determine his age through Apex Medical Board. Accordingly, they forwarded his representation to the head quarter. But as the concerned workman failed to produce any satisfactory paper in support of his claim his prayer was rejected and he was superannuated from his service with effect from 3-6-93. They further alleged that by manipulating his identity card he recorded his year of birth as 1937 instead of 1931.

7. Considering the submission of the management as per pleading it transpires that in the statutory Form B Register year of birth was recorded as 1931 and not as 1937 and as per Standing Order his date of superannuation was fixed as 1-7-91. The service excerpt which was handed over to the concerned workman in the year 1987 also disclosed the year of birth of the concerned workman 1931 and not 1937 and the concerned workman without raising any dispute returned back the same to them on making proper endorsement. Therefore according to the management, in documents viz statutory Form B Register and in service excerpt the year of birth of the concerned workman was recorded as 1931. It is really astonishing to note that inspite of claiming so the management did not consider necessary to produce these two vital documents, to ascertain the veracity of the claim in question. No explanation at all is forthcoming before this Tribunal in course of hearing about the reason for non-submission of the documents in question.

8. It is seen that after receipt of the notice of superannuation the concerned workman raised his voice about his date of superannuation with effect from 1-7-91 and submitted his representation for assessment of his age through Apex Medical Board. The local management forwarded his representation to the H.Q. Who rejecting his plea directed to superannuate the concerned workman from his service with effect from 3-6-93 as the concerned workman failed to produce any authentic paper in support of his claim. It is the mandatory provision of the standing order that every workman shall be relieved from his service on superannuation after attaining his age of 60 years. Here considering the admission of the management, the concerned workman was superannuated from his service with effect from 3-6-93 instead of 1-7-91. Therefore, it is clear that inspite of his completing the age of 60 years he was allowed to work under the management for about extra two years. No satisfactory explanation could be given by the management why the concerned workman was allowed to work beyond attaining his age of 60 years, violating the instruction given in the standing order. The specific allegation of the management is that the concerned workman manipulating the identity card recorded his age as 1937 therein instead of his actual year of birth as 1931 which was recorded in the Form B Register. Management no doubt has brought a serious allegation against the concerned workman for which onus absolutely rested on the management to establish that the identity card which the concerned workman relied on was a fabricated/manufactured one and he did so with a view to enjoy longer period of service. The identity card which the concerned workman relied on during his evidence was marked as Ext. W-1. I have carefully considered the identity card and it shows that the same was issued to the concerned workman under signature of the Personnel Officer, Katras Chautidhi Colliery on 12-3-74. The no. of the said identity card is

024018/9R and his 81 No. in Form B Register was 170. Date of birth has been distinctly recorded as 1937. According to the submission of the management if his I.D. card is considered as fabricated one in that case it is to be taken into consideration that the concerned workman also illegally manufactured the signature of the personnel officer of the management for manufacturing the identity card in question which is to be considered as criminal offence. It is seen that after giving representation the management had got sufficient time to assess the genuinity of the identity card which was in custody of the workman and to take appropriate step against him if it was found fabricated or forged but they did not consider necessary to do so.

9. The management had got ample scope to submit the Form B Register, identity card register as well as the service excerpt which they received back from the workman after it was duly endorsed by him but they failed to avail that opportunity as of their wishes. No material is forthcoming in support of the claim of the management that the identity card Ext. W-1 is a fabricated one. Accordingly I do not find to disbelieve its genuinity. I consider that the prayer of the concerned workman to assess and determine his age through Apex Medical Board was a modest one and the management to wipe out all disputes and doubts had the scope to consider his prayer. They also had the scope to show the original Form B Register, Identity Card Register and other relevant registers including C.M.P.F. record to the concerned workman for his satisfaction actually which date of birth was recorded therein. But they also did not consider to do so. It is fact that the concerned workman could not produce any paper of his own excepting the identity card in support of his claim but for that reason date of birth which is recorded therein as 1937 cannot be ignored particularly when the management failed to establish that it is a fabricated one. Accordingly, when there was claim and counter claim the management took arbitrary decision in rejecting the prayer of the concerned workman for determination of his age through Apex Medical Board. If it would have been done there was sufficient scope to avoid litigation and other hazards. It should say that such arbitrary decision of the management was not only improper but also it violated the principle of natural justice. I consider that if the age of the concerned workman is determined by the Apex Medical Board it will meet the ends of justice particularly when the management have failed to establish that year of birth of the concerned workman was 1931 and not 1937.

In the result, the following award is rendered :—

“The demand of the Union for the assessment by the Apex Medical Board of the age of Sh. Habib Mia Timber Mistry is legal and justified. Consequently the management is directed to send the Concerned workman to the Apex Medical Board and the decision of the Medical Board will be final.”

Management is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the observation made above.

B. BISWAS, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2543.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, I धनबाद के पंचाट (संदर्भ संख्या 121/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-2003 को प्राप्त हुआ था।

[सं. एल-20012/400/95-आई.आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S. O. 2543.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 121/96) of the Central Government Industrial Tribunal/Labour Court I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-8-2003.

[No. L-20012/400/95-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. I) DHANBAD

In the matter of a reference under Section 10(1)(d)(2A) of I.D. Act, 1947

Reference No. 121 of 1996

PARTIES : Employers in relation to the Management of Bararee Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT : Shri S.H. Kazmi, Presiding Officer

APPEARANCES :

For the Employers : Shri R.N. Ganguly, Advocate

For the Workmen : None.

State : Jharkhand

Industry : Coal

Dated, the 25th July, 2003

AWARD

By Order No. L-20012/400/95-I.R. (Coal-I) dated the 28th November, 1996 the Central Government in the

Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Sec. 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bararee Colliery of M/s. BCCL in not referring the case of Shri Ram Chandra to Apex Medical Board is justified? If not, to what relief is the said workman entitled?”

2. It appears from the record that pursuant to the receipt of the order of reference this case was registered in this Tribunal on 16-12-1996 and a date fixed for appearance and filing written statement by the workman, but neither on the date fixed nor even at any stage during long pendency of this reference anyone cared to appear on behalf of the workman for filing written statement or for making any submission whatsoever. Simply adjournment after adjournment was granted with hope and expectation that some one would appear and would take necessary step. It further appears that on 7-7-2003 after noticing all the past developments one more opportunity was granted to the workman/union in the aforesaid regard and order was also passed for issuing notice to the workman/union afresh under registered cover. In compliance of the said order notice was immediately sent, but that also proved to be of no avail as the position still remain the same till date. Neither there is any appearance nor any written statement on behalf of the workman/union.

It is, thus, apparent from all the above that the party at whose instance the present dispute has been referred to this Tribunal for adjudication is least interested in pursuing the said dispute or this reference any further may be due to the reason that the said dispute ceased to be in existence otherwise there does not appear to be any reason for leaving this case un-attended since long or abandoning the same in such a manner. Keeping this case pending any longer, in such circumstances, would just be needless.

This reference, as such, stands finally disposed of.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2544.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधनमें के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 1, धनबाद के पंचाट (संदर्भ संख्या 110/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-03 को प्राप्त हुआ था।

[सं. एल-20012/345/95-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S. O. 2544.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 110/96) of the Central Government Industrial Tribunal/Labour Court I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-8-2003.

[No. L-20012/345/95-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. I) DHANBAD

In the matter of a reference under Section 10(1)(d)(2A)
of I.D. Act

Reference No. 110 of 1996

PARTIES: Employers in relation to the Management of Bhowra Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT: Shri S.H. Kazmi, Presiding Officer

APPEARANCES:

For the Employers : None.

For the Workmen : None.

State : Jharkhand

Industry : Coal

Dated, the 25th July, 2003

AWARD

By Order No. L-20012/345/95-I.R. (Coal-I) dated 2-11-95 the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Sec. 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the claim of the Union that Smt. Soma Nandi was working as despatch clerk w.e.f 25-7-1989 is legal and justified? If so, to what relief is the workman entitled?”

2. It appears that this reference of the year 1996 is still pending for appearance and for filing written statement by the workman/union whereas in the order of reference itself it has been clearly mentioned that written statement by the workman was to be filed within 15 days from the date of receipt of the said reference order. During the long pendency of about seven years, it appears, several adjournments were granted with the hope and expectation that some one would appear and would take necessary step on behalf of the workman/union. But never any significant development could be seen and the case remained pending for the said purpose, as above. On

7-7-2003, after having noticed all the past developments by way of last chance one more opportunity was granted to the workman/union in the aforesaid regard and the notice was ordered to be issued afresh under registered cover. Compliance of the said order was immediately made but even that proved to be a futile exercise. The position as it exists till today is that neither there is any appearance nor any written statement on behalf of the workman/union.

From the past developments, as noticed above, it becomes more than obvious that either the dispute for adjudication of which the present reference has been made has ceased to be in existence or the person aggrieved by the action of the management has lost interest and does not want to pursue the said dispute any further due to the reason best known to them.

Taking into account the totality of the circumstances borne out of the record, in my view, it would be sheer wastage of valuable time of this Tribunal and also would be absolutely needless to grant adjournments any more unnecessarily and to allow this case to remain pending any further.

Thus, in view of all the above this reference is hereby ordered to be closed or finally disposed of.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

का०आ० 2545.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, धनबाद के पंचाट (संदर्भ संख्या 117/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-2003 को प्राप्त हुआ था।

[सं. एल-20012/390/95-आई.आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S.O. 2545.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 117/96) of the Central Government Industrial Tribunal/Labour Court I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-8-2003.

[No. L-20012/390/95-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD**
In the matter of an Industrial Dispute under Section
10(1)(d)(2A) of the I.D. Act.

Reference No. 117 of 1996

PARTIES: Employers in relation to the Management of Kusunda Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT: SHRI S.H. KAZMI, Presiding Officer

APPEARANCES:

For the Employers : Shri R.N. Ganguly, Advocate.

For the Workmen : None.

State : Jharkhand

Industry : Coal

Dated, the 25th July, 2003

AWARD

By Order No. L-20012/390/95-IR(Coal-I) dated 22-11-96/26-11-96 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand for regular surface tramming work for S/Shri Phulchand Mahato and Tulu Mahato by the Union on the basis of their seniority is legal and justified? If so, to what relief is the said workman entitled and from which date?”

2. From the record of this case it is evident that this reference of the year 1996 is still pending for filing of the written statement on behalf of the workman despite granting several adjournments for the same. On 7-7-2003 after having noticed all the past developments one more opportunity was granted to the workman/union in the aforesaid regard, but no significant development has taken place even thereafter and the position as it exists till today is that neither anyone has appeared on behalf of the workman/union nor the written statement has been filed as yet.

It is apparent from all the above that the party at whose instance the present dispute has been referred to this Tribunal has lost interest and does not want to pursue the same any longer and when the person aggrieved himself is no more interested in this case no useful purpose would be served by keeping this reference pending any further.

It can well be gathered from the prevailing circumstances that the dispute ceases to be in existence otherwise the party concerned would not have left this case un-attended and would have certainly taken the step at any stage during the long pendency of this reference.

In view of all the aforesaid, this case is hereby ordered to be finally disposed of.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

का०आ० 2546.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 138/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-2003 को प्राप्त हुआ था।

[सं. एल-20012/697/97-आई.आर. (सी-१)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S.O. 2546.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 138/98) of the Central Government Industrial Tribunal/Labour Court II, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 7-8-2003.

[No. L-20012/697/97-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

PRESENT: SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act.

Reference No. 138 of 1998

PARTIES: Employers in relation to the Management of Chapapur Colliery of M/s. ECL and their workman

APPEARANCES:

On behalf of the : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union
workman

On behalf of the : Shri B.M. Prasad, Advocate.
employers

State : Jharkhand Industry : Coal

Dated, Dhanbad the 18th July, 2003

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/697/97-IR-CC-I, dated, the 7th April, 1998.

SCHEDULE

“Whether the action of the management of Mugma Area of the ECL in dismissing S/Sh. Sukai Mahato and Basdeo Mahato both armed guards of Chapapur Colliery is justified? If not, to what relief are these workmen entitled?”

2. The case of the concerned workmen according to written statement submitted by the sponsoring Union on their behalf in brief is as follows :—

They submitted that the concerned workmen were permanent armed guards at Chapapur Colliery under the management. They submitted that Over an incident of theft of some detonators from the magazine room management issued a fake and frivolous chargesheet at 17-10-97 to the concerned workmen on the allegation that the said theft was committed during the period of their remaining on duty as armed guards. They submitted that denying the allegation made in the chargesheet the concerned workmen though submitted their reply the management without accepting the same decided to initiate domestic enquiry against them and accordingly appointed an enquiry officer. They disclosed that over the said incident of theft of detonators the management lodged an FIR at local P.S. wherein they did not mention the name of the concerned workmen. They alleged that the management to cover up their own lapses and misdeed made the concerned workmen a scape goat by catching up a conspiracy to entangle the concerned workmen in the alleged theft of detonators. They further alleged that the Enquiry Officer being biased took up the enquiry and in course of enquiry proceeding he did not give sufficient opportunities to cross-examine the witnesses of the management fully or to adduce their defence witness. They further alleged that the said enquiry officer conducted the domestic enquiry arbitrarily and in violation of the principles of natural justice. Even in the said invalid and irregular departmental enquiry though the management failed to establish the charge levelled against the concerned workmen the enquiry officer being biased submitted his perverse report holding the concerned workmen guilty to the charges brought against them. They alleged that the disciplinary authority without giving the concerned workmen any opportunity to make their submission dismissed them from service by an unauthorised person in violation of the provision of the certified standing orders. They submitted that after the order of dismissal the concerned workmen submitted representation against the said illegal order but the no effect. Accordingly they raised an industrial dispute before the ALC(C) Dhanbad through

sponsoring Union for conciliation which ultimately resulted reference to this Tribunal for adjudication. The concerned workmen accordingly submitted their prayer to pass award directing the management to reinstate them in service with full back wages and consequential relief setting aside the order of dismissal.

3. Management on the contrary after filing Written statement-cum-rejoinder have denied all the claims and allegation which the sponsoring union asserted in the W.S. on behalf of the concerned workmen.

They submitted that the concerned workmen were deployed on duty as armed guards during the period commencing from 9 P.M. of 16-10-96 to 5 A.M. of 17-10-96 at the magazine and adjoining places. Their duties were to move around the magazine and the Tower so as to prevent any pilferage or theft of explosives and detonators kept stored in the magazine in accordance with the provisions of explosives Act. They submitted that during the duty hours of the concerned workmen 1823 detonators were stolen away from the magazine by the miscreants who entered in the compound by making a hole in the boundary wall and entered in the magazine room by making another hole in the wall of the magazine room. They alleged that the said incident of theft of detonators was committed on that night either in connivance with the concerned workmen or due to their utter negligence and sleeping on duty permitting the miscreants to commit the theft in question.

They submitted that the magazine house was in proper order upto 2 A. M. of 17-10-96 when the magazine clerk issued the explosives and detonators to the shot firers of the night shift for use inside the mine. They disclosed that the said incident of theft was committed after 2 A.M. in the said night due to sheer negligence of duty of the concerned workman as he did not keep any close watch on the magazine room from the town where they were on duty. They submitted that failure on the part of the concerned workmen to properly guard the magazine room resulted theft of detonators and as it was considered a serious misconduct on their part a chargesheet was issued to them on 17-10-96 and simultaneously they were suspended from their duties. They alleged that a past conduct of the concerned workmen were also not found satisfactory and they were issued chagesheets and warning letters for negligence of their duties for sleeping on duties but inspite of taking such steps they did not bother to reform and neglected in performing their duties which resulted theft of detonators. They submitted that the concerned workmen submitted their replies in 19-10-96 making out a specific defence that their place of duty was on the tower only and it was not part of their duty to guard the magazine which was 150 feet away from the tower. As the reply given by the concerned workmen was far from

satisfactory the disciplinary authority decided to initiate departmental enquiry proceeding against them and appointed Mr. R. K. Sinha Dy. Personnel Manager of Gopinathpur colliery as the Enquiry Officer and Sri B.K. Chowdhury, Safety Officer, Chapapur colliery as the Presenting Officer by order dt. 18-10-96. They disclosed that after giving due notice to the concerned workmen the Enquiry Officer conducted domestic enquiry proceeding against them and during hearing of the said proceeding full opportunities were given to them to defend their case. They also during that time did not raise any objection against the enquiry officer or the presenting officer. After completing enquiry the enquiry officer submitted his report holding the concerned workmen guilty to the charges. Thereafter, the Disciplinary authority considering the enquiry report along with all relevant papers, representation and submission made by the concerned workmen dismissed them from service for Commission of serious misconduct. They submitted that the action taken by the management in dismissing the concerned workmen from their services was legal, valid and in accordance with the principle of natural justice. Accordingly, they submitted their prayer to pass award rejecting the claim of the concerned workmen.

4. Points to be decided in this reference are :—

“Whether the action of the management of Mugma Area of ECL in dismissing S/Shiri Sukai Mahato and Basdeo Mahato both armed quarters of Chapapur colliery is justified ? If not, to what relief are these workmen entitled ?”

5. DECISION WITH REASONS

As it is a case of dismissal before taking up hearing on merit it was considered if Domestic enquiry held against the concerned workmen was fair, proper and in accordance with the principle of natural justice. The said issue on preliminary point was decided vide order No. 26 dt. 26-7-01 and it was observed that domestic enquiry held against the concerned workmen was fair, proper and in accordance with the principle of natural justice. Accordingly, at this stage it is needless to rediscuss that issue further. Here the point for consideration is if the charge which was brought against the concerned workmen was established by the management and if so they are entitled to get any protection under Section 11/A of the Industrial disputes Act in respect of the punishment inflicted on them by the management. The chargesheet which was marked as Ext. M/1 during evidence of MW-1 speaks as follows :—

“It has been informed to me that you both were deployed to guard the Magazine from 9.00 P. M. of 16-10-96 to 5.00 A.M. of 17-10-96 but during your shift 1823 detonators have been stolen from your Magazine. It was detected by Sri Biswanath Mahato, S/Guard while he came for this duty at the magazine at about 5.00 A. M.

Your above acts reflect serious misconduct under para 17 (i) (a) (f) of the Model Standing order applicable to Coal Mining Industries.

You are therefore directed to submit your written and signed explanation within 72 hours after receipt of this chargesheet as to why you shall not render yourself liable for sever disciplinary action Pending further enquiry into the charges, you are hereby suspended from your duties/service with immediate effect, You are to report daily to the office of the Dy. P. M./WO, Chapapur Colliery for your attendance during the period of your suspension to receive any further communication in this regard."

Reply given by the concerned workmen to the chargesheet in question was marked as Ext. M-2. It is the specific contention of the management that the concerned workmen being armed guards were deployed on duty at the magazine and its adjoining places commencing from 9 A.M. of 16-10-96 to 5 A.M. of 17-10-96. Their duties were to move around the magazine and the tower so as to prevent pilferage and theft of explosives and detonators kept stored in the magazine. It is the contention of the management that the magazine house was in order upto 2 A.M. of 17-10-96 when the magazine clerk issued the explosives and detonators to the shotfirers of the night shift for use inside the mine. Disclosing this fact the management submitted that the said theft was committed after 2 A.M. due to sheer negligence in duty of the concerned workmen. They disclosed that before committing theft of the detonators the miscreants entered in the compound of the magazine house by making a hole in the boundary wall and thereafter by making another hole in the wall of the magazine room they entered inside the room and committed theft of 1823 detonators. They alleged that such huge number of detonators were stolen away by the miscreants as the concerned workmen being armed guards were not at all vigilant and faithful to their duties. Considering the reply given by the concerned workmen to the chargesheet in question I find no dispute to hold that they were placed on duty as armed guard from 9 P.M. of 16-10-96 to 5 A.M. of 17-10-96. From the reply I also find no dispute to hold that the said incident of theft was committed during the period of their duty but submitted that they were posted on the tower with fire arms during their night duty. They submitted that distance in between the tower and magazine was about 150 ft. They further disclosed that they were not given any instruction to move round the magazine during the night but they were strictly directed to guard the magazine from the tower. They further submitted that as the tower and the magazines are facing each other its rear portion is not visible from the tower. Moreover, that rear portion is also covered with dense bushes and for which there was no scope to keep watch on the back portion of the said magazine from his tower. In the reply the concerned workmen further

disclosed that during their duty hours at night detonators were also issued by the magazine clerk to the workmen of the colliery. Accordingly they did not overlook the possibility of pilferage of detonators by other persons. They though did not deny the existence of the holes in the boundary wall and also in the wall of the room raised their doubt if any theft of detonators could be committed through the same.

6. Therefore, considering the reply given by the concerned workmen it is evident that the incident of theft of detonators was committed on the night of 16-10-96 and 17-10-96 while they were on duty to guard the magazine room. It is also evident from the reply given by them that they were placed on duty on the lower facing the magazine room. It further transpires from their statement that the rear portion of the magazine room was not visible from the tower and that area was covered with dense bushes. It appears that the miscreants entered inside the magazine room through its rear portion making hole on the boundary wall and the room and stolen away the detonator in question. Considering the facts disclosed by the management as well as of the concerned workmen it is seen that upto late night the magazine clerk who remained in charge of that room and was busy with distribution of explosives and detonators to the night shift workmen. The concerned workmen casted doubt about involvement of other persons in pilferaging the detonators while the magazine room was opened in distribution of explosives and detonators to night shift workmen by the magazine clerk. Inspite of claiming so as the concerned workmen failed to give any positive evidence there is little scope to support such claim. There was no reason in that case to make holes on the boundary wall and the room in question if the submission of the concerned workmen is believed.

7. It transpires from the record that in course of domestic enquiry management examined in all four witness viz. Magazine clerk who was on duty on the night of the incident, one Havilder, one security guard and the Manager of the colliery. To defend their case the chargesheeted workmen also made their statement before the Enquiry Officer. They defended their case through their representative and it transpires that all the management witnesses were fully cross-examined by the representative of delinquent. MW-1 is the magazine clerk who in course of his evidence disclosed that he was on 3rd shift duty commencing from 11 P.M. of 16-10-96 to 7 A.M. of 17-10-96. He submitted that upto 1.30 A.M. of 17-10-96 he was busy with handing over magazine to third shift workmen. Thereafter he closed the magazine room at about 2 A.M. and returned to magazine office room which was located in the ground of security tower and alerted the security guards. Again at about 6.30 A.M. in the morning he went to magazine room to collect balance explosives from night shift workman and at that time he dated the theft of detonators. He also found hole in the wall of the magazine

room. Immediately he closed the room and found Biswanath Mahato, guard there for duty. He reported the incident to him. Thereafter he met the manager and also reported the incident to him. He disclosed that on physical verification it was detected that 1823 detonators were stolen away. From the cross-examination it transpires that guard Biswanath Mahato reported for duty at 5.30 A.M. It further transpires that the delinquents i.e. the concerned workmen left for duty in the morning intimating the magazine clerk MW-2 Dhaneshwar Prasad was the Havildar incharge of that colliery who was entrusted with looking after the security matter. He disclosed that on 17-10-96 he was on duty from 5 A.M. In course of his duty he found Biswanath Mahato at about 5.30 A.M. on duty at magazine and thereafter he moved towards other duty place. At that time guard Biswanath Mahato rushed to them and informed theft in the magazine. On receiving the said information he rushed to the spot and during inspection he found two holes one in the wall of the magazine room and the other on the boundary wall. Thereafter he reported the incident to the Security Inspector and Agent. From the cross-examination of this witness it transpires that there was in sufficient light around the magazine room. However he denied the fact that there was no existence of any bush in between the vacant space of the magazine room and the boundary. This witness also disclosed that generally the armed guards remain posted on the tower but their duty was to keep watch of the whole area to alert others. He further disclosed that on the said night the concerned workman only remained on duty after 12 P.M. From the evidence of Biswanath Mahato, guard it transpires that on 16-10-96 he was on 2nd shift duty from 4 P.M. to 12 P.M. and again he was deputed on O.T. duty for four hours commencing from 5 A.M. He disclosed that on his way to resume his duty he found the concerned workman i.e. the delinquent to return back. After coming to the place he checked the magrazine room and found the main door locked properly. Thereafter he entered inside the magazine room along with magazine clerk and detected the theft in question. He then immediately informed the incident to the Havildar (MW-2) and thereafter again returned to the place of occurrence. MW-4 i.e. manager of the colliery in course of his examination by the Enquiry Officer corroborated the statements of MW-1 and MW-3 relating to the incident in question. This witness in course of his cross-examination by the representative of the delinquent submitted that previous to this incident the delinquents for dereliction of their duties on several occasions were warned and chargesheeted and in support of such claim he relied on documents which during hearing before Enquiry Officer were marked as Exts. 5 to 8. DW-1 i.e. Sukhai Mahato in course of his giving statement disclosed that at about 5 A.M. on 17-10-96 they came down from the tower and checked the magazine, and when they found everything O.K. opened the gate and after informing the magazine clerk Gurupada Karmakar came to the office and deposited

their gun and thereafter went back to their quarter. During cross-examination he disclosed that on verbal instruction of the Havilder Dhaneswar Prasad they did not come down from the tower. DW-2 Basudeb Mahato corroborated the statement of DW-1.

8. Now considering the statement of the delinquents it Stranspires that on the said night no other night guard was posted to Watch the Magazine and the adjoining area excepting the two delinquents. According to the statement of the delinquents came down from the tower at 5 A.M. and checked the magazine thoroughly and as they found all proper they left the place of their duty without waiting for their relievers only informing the magazine clerk. As such the delink intended to say that no incident of theft of detonators was committed upto 5 A.M. They wanted to say that the said incident of theft was committed afterwards. From the statement of MW-1 and MW-2 on the contrary I find a quite different picture. They categorically stated that MW-3 Biswanath Mahato was found on duty at Magazine at about 5.30 A.M. Though the delinquents denied presence of the said security guard Biswanath Mahato on the spot when he left for duty informing the magazine clerk the statement of the said Security guard i.e. Biswanath speaks otherwise. He disclosed categorically that he found the delinquent on his way to magazine room for duty. Considering the statement of the delinquent and the witness it transpires clerly that there was a gap of about half an hour in between the departure of the delinquent from duty and arrived of another security guard. It is seen that the miscreants committed the theft of detonators after making two holes, one in the boundary wall and the other in the wall of the magazine room. The incident took place in the month of October. There is no whisper that weather was bad on that night. Accordingly considering astronomical position for the month of October there is sufficient scope to say that skylight was quits good and viable in between 5 A.M. and 5.30 A.M. Accordingly within a period of half an hour particularly when sky light was clear it is impossible for any person to enter inside the magazine, after making two holes at different places. Further it is absurd to consider that during such short time there was any scope to remove such huge number of detonators. Under such circumstances it is absurd to consider that theft of detonators was committed after 5 A.M. It is seen that upto 2 a.m. the magazine clerk was in the magazine room for distribution of magazine to the workmen of 3rd shift duty. This fact also was admitted by the delinquent. Therefore, upto 2 a.m. no theft was committed. Actually it was committed in between the period i.e. from 2 A.M. to 5 A.M. DW-1 during his giving statement submitted that they were verbally asked by Havildar Dhaneswar Prasad to watch the magazine and adjoining area from the tower. However, this fact was not supported by the said witness while his statement was recorded by the enquiry officer. That witness disclosed that the Security guards generally

performed their duty to watch magazine and adjoining area from the tower. It is seen that on that night after 12 P.M. there was no other security guards on duty excepting the delinquents. The plea taken by the delinquent that the theft of detonators was committed through rear portion of the magazine house and for which they were not aware of the facts finds no basis at all. Their statement that there was bush in the rear vide side in between the magazine house and the boundary wall finds no basis if the statement of the Havildar is taken into consideration. It is fact that there was in sufficient light around the area of the magazine house. That is no doubt a serious fault on the part of the management, but for that reason the delinquents cannot shark the responsibility from their shoulders. They remained on duty to keep watch the entire magazine house and its adjoining area. The tower was in front of the magazine house. Naturally from the tower only front portion is visible. Definitely it was not the duty of the delinquents to keep watch only the front portion of the magazine house leaving the rear portion unprotected. Accordingly, it was their bounden duty to check the rear portion of the magazine house time to time on that night during the period from 2 A.M. to 5 A.M. but they did not consider necessary to do so. The incident took place at a time in between 2 A.M. to 5 A.M. The delinquents disclosed that at 5 A.M. they got down from the tower and checked the entire magazine house and as they did not find any abnormality they informing the magazine clerk left the place. In view of discussion above I find sufficient ground to say that the concerned delinquents made false statement to that effect. No satisfactory explanation is forthcoming why in absence of reliever they left the place for their duty. If all these aspects are considered carefully there is sufficient reason to hold that for deriliction of duties on the part of the delinquent the said incident of theft was committed. They actually ignored the importance of the magazine house and casually performed their duties just remaining on the tower. Accordingly after careful consideration of all the facts and circumstances which I have discussed above I hold that the management have been able to substantiate the charge of misconduct against the delinquent i.e. the concerned workmen.

9. Now the point for consideration is if the delinquent are eligible to get any relief U/s. 11A of the I.D. Act inspite of their order of dismissal from service issued by the Disciplinary Authority. Section 11A of the I.D. Act speaks as follows :—

“Whether an industrial dispute relating to discharge or dismissal of a workman has been referred to a labour Court, Tribunal or National Tribunal for adjudication and in the course of adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharged or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct

reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be shall rely only on the materials on record and shall not take any fresh evidence to the matter.”

It is to be looked into whether the punishment inflicted on the delinquents was justified or not. The delinquent were placed on duty for the safety and security of the magazine house where highly explosive substance are kept. It is seen that absolutely due to negligent act of the delinquents a good member of detonators which are used for explosion were stolen away on the night of 17-10-96. These delinquents knowing fully well of the explosion capacity of the detonators were not vigil enough to perform their duties. Those highly explosive detonators were stolen away by the miscreants for its use to destroy the lives and properties of the country by the terrorists or other interested persons who intends to hammer on the sovereignty of the country at large. It is seen that previous to this incident the delinquents were warned and charge-sheeted for deriliction of their duties but they did not consider necessary to rectify themselves. The way they performed duty on the night of 16-10-96 and 17-10-96 definitely did not expose performance of their duties with proper diligence and care. Had that been so there was no scope of pilferaging such huge number of detonators which are to be considered as highly explosive substance.

10. The act of negligence which the delinquent committed endangered destruction of national properties. As such after careful consideration of all the facts and circumstances I have failed to find out any cogent ground to say that order of dismissal of the delinquents passed by the Disciplinary authority was not justified and deserves to be viewed leniently.

Under the circumstances I do not find cogent ground to interfere the order of dismissal passed against the delinquents invoking the provision of Section 11A of the Industrial Disputes Act.

In the result, the following award is rendered :—

“The action of the management of Mugma Area of ECL is dismissing S/Sh. Sukail Mahato and Basdeo Mahato both armed guards of Chapapur Colliery is justified. Consequently, the concerned workmen are not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2547.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, धनबाद के पंचाट (संदर्भ संख्या 88/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-2003 को प्राप्त हुआ था।

[सं. एल-20012/284/95-आई.आर (सी-1)]
एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S. O. 2547.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 88/96) of the Central Government Industrial Tribunal-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 7-8-2003.

[No. L-20012/284/95-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 1) DHANBAD

In the matter of reference U/S. 10(1)(d)(2A) of
I.D. Act, 1947

Reference No. 88 of 1996

PARTIES:

Employers in relation to the
management of Shampur Colliery of
M/s. EC. Ltd.

AND

Their Workmen

PRESENT:

SHRI S. H. KAZMI,

Presiding Officer.

APPEARANCES:

For the Employers : None

For the Workmen : None

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 24th July, 2003

AWARD

By Order No. L-20012/284/95-IR (Coal-I) dated 3-10-1996 the Central Govt. in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-sec. (2A) of Section 10 of the Industrial

Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the union is justified in demanding review of the age of Shri Ram Brich Harijan by the management of Nirsha Area of M/s. E.C.L.? If so, to what relief is the said workman entitled?”

2. As it is evident from the record, right from the inception i.e. 4-11-96 when this reference was registered in this Tribunal none ever cared to appear and file written statement on behalf of the workman/union. Simply adjournments were granted repeatedly for the said purpose. It further appears that on 7-7-2003 after noticing all the past developments one more opportunity was granted to the workman/union to take necessary step as required and the order was passed for issuance of notice under registered cover to the workman/union. But that also proved to be of no avail as till date the position remains the same and neither there is any appearance nor any written statement filed on behalf of the workman.

It is, thus, evident from all the above that the party at whose instance the present dispute has been referred to this Tribunal for adjudication is least interested in pursuing the said dispute or this reference any further, may be due to the reason that the dispute ceased to be in existence, otherwise there does not appear to be any reason why the present case has been abandoned in such a manner and not even the written statement has been filed till date and hence in view of the aforesaid keeping this case pending any further would just be needless and so this case is hereby disposed of.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2548.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.क्लो.टिं. के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, धनबाद के पंचाट (संदर्भ संख्या 90/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-2003 को प्राप्त हुआ था।

[सं. एल-20012/287/95-आई.आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S. O. 2548.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 90/96) of the Central Government Industrial Tribunal-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 7-8-2003.

[No. L-20012/287/95-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 1) DHANBADIn the matter of reference U/S. 10(1)(d)(2A) of
I. D. Act

Reference No. 90 of 1996

PARTIES:

Employers in relation to the
management of Kusunda Area of
M/s. B.C.C. Ltd.

AND

Their Workmen

APPEARANCES:

For the Employers	:	None
For the Workmen	:	None
State : Jharkhand		Industry : Coal

Dated, Dhanbad, the 24th July, 2003

AWARD

By Order No.L-20012/287/95-IR (Coal-I) dated 3rd October, 1996 the Central Govt. in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-sec. (1) and Sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the union is justified in demanding that Shri Bhola Prasad Singh is eligible for regularisation with retrospective effect as Underground Munshi as per the policy of the management ? If so, to what relief is the said workman entitled ?”

2. It appears from the record that pursuant to the receipt of the order of reference this case was registered in this Tribunal on 4-11-1996 and the date was fixed for appearance and for filing written statement by the workman, though as per the order of reference itself the said step was to be taken by the workman within 15 days from the receipt of the order of reference. On the next date fixed or at any stage of long pendency of this reference none cared to appear and file written statement on behalf of the workman/union. Simply adjournments were granted repeatedly and the case remained pending for taking the aforesaid necessary step by the workman/union. Further it appears that by order dated 7-7-2003 one more opportunity was granted to the workman/union to come forward for taking necessary step as required. The order was passed for issuing a notice to the workman/union afresh under registered cover. Even then no significant development could take place and the position remained the same, as till date

neither there is any appearance nor any written statement filed by the workman/union.

It is, thus, evident from all the above that the concerned workman or the union for the reason best known to them are least interested in pursuing the present dispute or case and since the party at whose instance the dispute has been referred to this Tribunal for adjudication, himself is no more interested in pursuing the said dispute it would be sheer wastage of valuable time rather would be absolutely needless to allow this case to remain pending any further.

This reference, as such, stands finally disposed of.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2549.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, धनबाद के पंचाट (संदर्भ संख्या 105/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-2003 को प्राप्त हुआ था।

[सं. एल-20012/332/95-आई.आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S. O. 2549.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 105/96) of the Central Government Industrial Tribunal/Labour Court-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 6-8-2003.

[No. L-20012/332/95-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 1) DHANBADIn the matter of reference U/S. 10(1)(d)(2A) of
I.D. Act

Reference No. 105 of 1996

PARTIES:

Employers in relation to the
management of Kusunda Area of
M/S. B.C.C. Ltd.

AND

Their Workmen

PRESENT : SHRI S. H. KAZMI
Presiding Officer

APPEARANCES:

For the Employers : None
For the Workmen : None
State : Jharkhand Industry : Coal

Dated, Dhanbad, the 24th July, 2003

AWARD

By Order No. L-20012/332/95-IR (Coal-I) dated 7-11-96 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-sec. (1) and Sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand by the Union for promotion of Shri J. N. Prasad as Clerk Grade-A is legal and justified? If so, to what relief is the workman entitled?”

2. It appears from the record that this reference was registered on 26-11-96 and thereafter during the long pendency of this reference at no stage anyone cared to appear on behalf of the workman and to file written statement. Simply adjournment after adjournments were granted to enable the workman/union to take necessary step. On 26/30-6-1996, as it appears, it was informed by the sponsoring union by way of filing one petition that the talk of settlement is going on and most likely the same would be materialised and in that case the Tribunal would be informed. However, no any information in the said regard was ever furnished before this Tribunal rather none cared to appear to make any submission whatsoever. It further appears that by order dated 7-7-03 one more opportunity was granted to the workman/union in the aforesaid regard and a notice was also ordered to be sent to the workman/union under registered cover but that also proved to be a futile exercise as even thereafter no significant development could take place. The position as it exists till today is that the present reference is still pending for appearance and filing of written statement on behalf of the workman.

From all the aforesaid, thus, it is apparent that the concerned workman or the union has lost interest and does not want to pursue this case any further, may be due to the reason that the dispute ceased to be in existence. Anyway, whatever may be the reason considering all the past developments, as noticed above, allowing this case to remain pending any further would just be needless rather granting further adjournments would simply amount to wastage of valuable time of this Tribunal.

This reference, as such, stands finally disposed of.

S. H. KAZMI, Presiding Officer

नं ६६ (दल्ली), 8 अगस्त, 2003

का. आ. 2550.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, धनबाद के पंचाट (संदर्भ संख्या 84/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-03 को प्राप्त हुआ था।

[सं. एल-20012/285/95-आई.आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S. O. 2550.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 84/96) of the Central Government Industrial Tribunal/Labour Court-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 6-8-2003.

[No. L-20012/285/95-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD**

In the matter of reference U/S. 10(1)(d)(2A) of
I.D. Act

Reference No. 84 of 1996

PARTIES:

Employers in relation to the
management of Sijua Colliery of
M/S. B.C.C. Ltd.

AND

Their Workmen

PRESENT : SHRI S. H. KAZMI
Presiding Officer

APPEARANCES:

For the Employers : None
For the Workmen : None
State : Jharkhand Industry : Coal

Dated, Dhanbad, the 24th July, 2003

AWARD

By Order No. L-20012/285/95-IR (Coal-I) dated 11-10-95 the Central Govt. in the Ministry of Labour has,

in exercise of the powers conferred by clause (d) of Sub-sec. (1) and Sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the the management is justified in not referring Shri Sultan Mia to Medical Board for assessment of his age as demanded by the Union ? If not, to what relief is the said workman entitled ?”

2. This reference of the year 1966, as it is evident from record, is still pending for appearance and for filing written statement on behalf of the workman/union. Several adjournments were granted from time to time to enable the workman/union to come forward and take necessary step. On 7-7-2003 taking into account the past development, however, one more opportunity was granted to the workman/union in the aforesaid regard and the order was passed for issuance of notice afresh to the workman/union under registered cover. Despite that no any significant development could be seen and the position as it stands till today is that this old reference of the year 1996 is still pending for appearance and filing of written statement by the workman, whereas the same was to be filed as per the order of reference in the year 1996 itself.

It is, thus apparent from all the above that the person aggrieved or the party at whose instance the present dispute has been referred to this Tribunal for adjudication, for the reason best known to him is no more interested in pursuing the present reference any further or the said dispute now ceased to be in existence otherwise there does not appear to be any reason why the present reference has been abandoned or has been left un-attended in such a manner and not even the filing of written statement has been considered necessary so far. Allowing this reference to remain pending any further in such circumstances would just be needless specially in this Tribunal where hundred of contested matters are pending for final disposal.

In view of all the aforesaid, as such, this reference is hereby ordered to be finally disposed of.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2551.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, धनबाद के पंचाट (संदर्भ संख्या 83/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-2003 को प्राप्त हुआ था।

[सं. एल-20012/302/98-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S. O. 2551.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 83/96) of the Central Government Industrial Tribunal/Labour Court-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 6-8-2003.

[No. L-20012/302/98-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD

In the matter of reference U/S. 10(1)(d)(2A) of
I.D. Act

Reference No. 83 of 1996

PARTIES:

Employers in relation to the
management of Kusunda Area of
M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT : SHRI S.H. KAZMI
Presiding Officer

APPEARANCES:

For the Employers : Shri H. Nath, Advocate
For the Workmen : None
State : Jharkhand Industry : Coal

Dated, Dhanbad, the 24th July, 2003

AWARD

By Order No. L-20012/302/98-IR (Coal-I) dated 14-10-96 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-sec. (1) and Sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand for revision of the date of birth of Shri Sidiq Mia by the Union is justified ? If so, to what relief is the said workman entitled ?”

2. It appears from the record that right from the year 1996 when this reference was registered in this Tribunal none appeared at any stage on behalf of the workman/union to file written statement and simply adjournment

after adjournment was granted in the said regard and the case remained pending without any significant development whatsoever. Further it appears that by order dated 7-7-2003 one more opportunity was granted to the workman/union to come forward and take necessary step. A notice was also ordered to be sent to the workman/union afresh under registered cover for the said purpose, but that also proved to be of no avail as till to-day the position remains the same.

From the aforesaid development, thus, it is apparent that the party to the dispute or the party at whose instance the present case has been referred to this Tribunal for adjudication is least interested in pursuing the dispute or the case any further otherwise there does not appear to be any reason as to why the case has been left unattended in such a manner. As the party aggrieved himself does not want to pursue the present case, it would be sheer wastage of valuable time of this Tribunal to keep this case pending any further.

This reference, as such, stands finally disposed of.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2552.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरमें, केन्द्रीय सरकार टिस्को के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, धनबाद के पंचाट (संदर्भ संखा 76/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-2003 को प्राप्त हुआ था।

[सं. एल-20012/262/95-आई.आर. (सी-1)]
एस. एस. गुप्ता, अधर सचिव

New Delhi, the 8th August, 2003

S. O. 2552.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 76/96) of the Central Government Industrial Tribunal/Labour Court-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of TISCO and their workman, which was received by the Central Government on 6-8-2003.

[No. L-20012/262/95-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 1, DHANBAD

In the matter of reference U/s. 10(1)(d)(2A) of
I.D. Act 1947

Reference No. 76 of 1996

PARTIES:

Employers in relation to the management of 6 and 7 Pits Colliery of M/s. TISCO Ltd.

AND

Their Workmen

PRESENT : SHRI S. H. KAZMI
Presiding Officer

APPEARANCES:

For the Employers : None
For the Workmen : None
State : Jharkhand Industry : Coal

Dated, Dhanbad, the 23rd July, 2003

AWARD

By Order No.L-20012/262/95-IR (Coal-I) dated 26th September, 1996 the Central Govt. in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-sec. (1) and Sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of 6 and 7 Pits Colliery of M/s. TISCO Ltd. is justified in demoting S/Shri Md. Haider Ali and Md. Haider as Belt Cleaning Mazdoors ? If so, to what relief is the said workmen entitled ?”

2. It appears from the record that in this reference of the year 1996 none has appeared so far on behalf of the workmen/union and the case is still pending for filing written statement by the workmen/union. Several adjournments were granted for the same purpose and several opportunities were afforded to the workmen/union in the aforesaid regard, but never any significant development could take place and none ever cared to appear for making any submission whatsoever. On 7-7-2003 after having noticed all the past developments one more opportunity was granted to the workmen and a notice was ordered to be sent to him afresh under registered cover for his appearance and for taking necessary step but again that turned out to be a futile exercise as to-day again there is none present to respond to the call.

From all the aforesaid, it becomes more than clear that the concerned workmen/union for the reason best known to them are no more interested in pursuing the dispute raised by them otherwise they would not have abandoned the present reference or dispute in such a manner.

Thus, in view of circumstances borne out of the record it would be sheer wastage of valuable time of this

Tribunal to allow this case to remain pending any further and no useful purpose would be served by granting adjournments repeatedly when there is no positive response at all from the side of the workmen/union.

This reference, as such, stands finally disposed of.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2553.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, धनबाद के पंचाट (संदर्भ संख्या 70/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-2003 को प्राप्त हुआ था।

[सं. एल-20012/217/95-आई.आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S. O. 2553.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 70/96) of the Central Government Industrial Tribunal/Labour Court-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 6-8-2003.

[No. L-20012/217/95-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD

In the matter of reference U/s. 10(1)(d)(2A) of
I.D. Act

Reference No. 70 of 1996

PARTIES:

Employers in relation to the
management of Kusunda Area of
M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT : SHRI S. H. KAZMI,
Presiding Officer

APPEARANCES:

For the Employers : None

For the Workmen : None

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 23rd July, 2003

AWARD

By Order No. L-20012/217/95-IR (Coal-I) dated 9-9-96 the Central Govt. in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of M/s. BCCL in not giving notional seniority to Shri Mahadev Nandi and not placing him in Grade-I w.e.f. 1977 is justified ? If not, to what relief is the said workman entitled ?”

2. It appears from the record that pursuant to the receipt of the order of reference this case was registered in this Tribunal on 16-9-96 and 18-II-96 was fixed for appearance and for filing of the written statement by the workman/union. But on that date fixed none appeared for the workman for taking the step as required.

A notice was sent on 5-12-96 to the workman/union for the said purpose, but on the next fixed i.e. 2-1-97 again neither anyone appeared nor the written statement was filed. Thereafter, as it is evident, several adjournments were granted to enable the workman/union in the aforesaid regard, but the position remained the same as before and no any significant development could take place. On 7-7-2003 after having noticed all the past developments one more opportunity was granted and a notice was ordered to be sent to the workman/union afresh under registered cover. In compliance of the said order notice was sent immediately, but that again proved to be of no avail as none has appeared today either for taking step or for making any submission whatsoever.

It is, thus obvious from all the aforesaid that the party aggrieved or the party at whose instance the present reference has been referred to this Tribunal for adjudication is least interested in pursuing the dispute, may be due to the reason that the said dispute now ceases to be in existence otherwise there does not appear to be any reason as to why the present reference has been left unattended or has been abandoned in such a manner.

In such circumstances, in my view, no useful purpose would be served by granting adjournments unnecessarily and allowing this case to remain pending any further.

This reference, as such, stands finally disposed of.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

For the Workmen : None

State : Jharkhand Industry : Coal

Dated, the 23rd July, 2003

AWARD

का. आ. 2554.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, धनबाद के पंचाट (संदर्भ संख्या 80/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-2003 को प्राप्त हुआ था।

[सं. एल-20012/176/96-आई.आर.(सी-1)]
एस. एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S.O. 2554.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 80/96) of the Central Government Industrial Tribunal/Labour Court, I Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 6-8-2003.

[No. L-20012/176/96-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD**

In the matter of reference U/s. 10(1)(d)(2A) of
I.D. Act

Reference No. 80 of 1996

PARTIES:

Employers in relation to the
management of Bajna Colliery of
M/s. E.C. Ltd.

AND

Their Workmen

PRESENT : SHRI S.H. KAZMI,
Presiding Officer

APPEARANCES:

For the Employers : None

By Order No. L-20012/276/96-IR (Coal-I) dated, the 30th September, 1996 the Central Govt. in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (i) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management is not recording the date of birth as claimed by the workman, Shri Ishwar Manjhi, Store Mazdoor of Bajna Colliery, of M/s. Eastern Coalfields Ltd. is justified ? If not, to what relief is the said workmen entitled ?”

2. It appears from the record that pursuant to the receipt of the order of reference this case was registered in this Tribunal on 10-10-96 and thereafter the date was fixed for appearance and for filing written statement by the workman. But neither on the date fixed for the said purpose nor even after that at any point of time any one cared to appear and file written statement on behalf of the workman. Simply adjournment after adjournment was granted with the hope and expectation that some one would appear on behalf of the workman for taking necessary step. It further appears that on the last date i.e. 7-7-2003 after noticing all the past developments one more adjournment was granted in the aforesaid regard and the order was passed for issuance of notice to the workman/union afresh under registered cover. Accordingly the notice was sent, but even then no significant development could take place and the position as it stands till today is that this reference is still pending for appearance and for filing of the written statement by the workman/union.

It is, thus, obvious from all the aforesaid that the workman/union has lost interest and does not want to pursue the present dispute or the case any further otherwise there does not appear to be any reason for abandoning this reference in such a manner. In such circumstances, in my view, it is absolutely needless to allow this reference to remain pending any longer.

This reference, as such, stands finally disposed of.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 8 अगस्त, 2003

का० आ० 2555.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, धनबाद के पंचाट (संदर्भ संख्या 78/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-2003 को प्राप्त हुआ था।

[सं० एल-20012/264/95-आई०आर०(सी-१)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 8th August, 2003

S.O. 2555.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 78/96) of the Central Government Industrial Tribunal/Labour Court-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 6-8-2003.

[No. L-20012/264/95-IR(C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10 (1) (d) (2A) of I.D.
Act.

Reference No. 78 of 1996

Parties : Employers in relation to the management of Jechnagora Colliery of M/S. B.C.C. Ltd.

AND

Their Workmen

Present : SHRI S.H. KAZMI,

Presiding Officer

Appearances :

For the Employers : None.

For the Workman : None.

State : Jharkhand. Industry : Coal.

Dated, the 23rd July, 2003

AWARD

By Order No. L-20012/264/95-IR(C-1) dated 26-9-1996 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management in not referring the case of Shri Adhar Bhar for age

assessment to Medical Board is justified ? If not, to what relief is the said workman entitled?"

2. It is evident from the record that this reference of the year 1996 is still pending for appearance and for filing written statement by the workman concerned/union whereas in the order of reference itself it stands clearly mentioned that the written statement is to be filed by the workman within 15 days from the date of receipt of the said order. It is further evident that several adjournments were granted to enable the workman/union to take necessary step as required, but never any significant development whatsoever could take place and this reference remained pending although for the said purpose. On 7-7-2003, as it appears, taking into account all the past developments one more opportunity was granted to the workman/union in the aforesaid regard and the notice was ordered to be sent to them afresh under registered cover. Despite that the position remained the same and today again none has appeared either to take step or to make any submission whatsoever.

From all the aforesaid developments, thus, it becomes quite apparent that the party to the dispute or the party at whose instance the present case has been referred to this Tribunal for adjudication is least interested in pursuing the present dispute or reference any further. When quite obviously the person aggrieved himself is no more interested in the present case, allowing the same to remain pending any further would be absolutely needless.

This reference, as such, stands finally disposed of.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 11 अगस्त, 2003

का० आ० 2556.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एअर इण्डिया लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई-I, के पंचाट (संदर्भ संख्या Comp. No. NTB-5 of 02 Arising out of Ref. No. NTB-1 of 1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-2003 को प्राप्त हुआ था।

[सं० एल-22013/02/2003-आई०आर०(सी-१)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 11th August, 2003

S.O. 2556.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. NTB 5 of 2002/Arising Ref. No. NTB-1 of 1990) of the Central Government Industrial Tribunal cum Labour Court, Mumbai-I, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India Ltd. and their workman, which was received by the Central Government on 8-8-2003.

[No. L-22013/02/03-IR(C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE
BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL
MUMBAI

Present :

JUSTICE SHRI S.C. PANDEY Presiding Officer

Complaint NTB No. 05/2002

Arising Out of Ref. 1 of 1990

Parties : Capt. S.C.S. Adhikari & 13 Others : Complainant
 Vs.

Air India Ltd. : Opp. Party

Appearances

For the Complainant : Mr. Mohan Bir Singh, Adv.

For the Workman : Mr. Benny Francis, Adv.

State : Maharashtra

Mumbai, dated the 15th day of July, 2003

AWARD

1. This is a Complaint filed under Section 33A of the Industrial Disputes Act, 1947 by Capt. S.C. S. Adhikari & 13 Others (the workman for short) against Air India Ltd. (the company for short). The matter was filed before this Tribunal on 9-10-2002. Today, i.e. 15-7-2003, when the matter was taken up for filing written statement and Documents of the complainant, the learned counsel for the Complainant Ms. Pooja Singh filed an application for withdrawal of the aforesaid matter. Application taken on record. The Tribunal grants permission to withdraw the matter as prayed for by the learned counsel for the Complainant Ms. Pooja Singh.
2. The complaint is dismissed as withdrawn.

S.C. PANDEY, Presiding Officer

नई दिल्ली, 14 अगस्त, 2003

का० आ० 2557.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारण के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/त्रिम न्यायालय हैदराबाद के पंचाट (संदर्भ संखा 16/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-08-2003 को प्राप्त हुआ था।

[सं० एल-12025/1/2003-आई०आर०(बी-II)]

सौ. गंगाधरण, अवर सचिव

New Delhi, the 14th August, 2003

S.O. 2557.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 16/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 14-08-2003.

[No. L-12025/1/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD

PRESENT : Shri E. ISMAIL, B.Sc., LL.B.,
 Presiding Officer

Dated the 27th day of June, 2003

INDUSTRIAL DISPUTE L.C.I.D.No.16/2002

(Old I.D.No.9/2000 Transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN :

Sri G. Kali Shankar,
 D. No. 23-2-2-, Hamilton
 Masonic Temple, Beach Road,
 Visakhapatnam-1. Petitioner

AND

1. The Chief Manager,
 Syndicate Bank,
 Dabagradens Branch,
 Visakhapatnam-20.
2. The Dy. General Manager,
 Syndicate Bank, Zonal Office,
 "Pioneer House", 6-3-653,
 Somajiguda, Hyderabad -82. Respondent

APPEARANCES :

For the Petitioner : M/s K. V.S. & G.B.P., Advocates

For the Respondent : Sri A.V. Rao, Advocate

AWARD

This case I.D. No 9/2000 is transferred from Industrial Tribunal-cum-Labour Court, Visakhapatnam in view of the Government of India. Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 and renumbered in this Court as L.C.I.D. No 16/2002. This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No.8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as stated in the claim petition are: That the applicant was working as an attender with R 1 since 1984 with break up service and thereafter the first management appointed him on regular vacancy with effect from 19-12-94 and was terminated from service on 14-6-99 without assigning any reason. The Respondent No. 1 did not conduct any domestic enquiry for the alleged allegation. The Petitioner was drawing a wage of Rs. 1600/- plus special allowance of Rs. 115/- and D.A. as applicable at the time of his dismissal. The Petitioner approached the first management and the union to reconsider. It is true to say that decision of dismissal from service and to take him back in service with service benefits from the day he was

removed but to no avail. Hence, the Petitioner got issued a notice by registered post with acknowledgement due. The management received the same on 27-12-99. The management did not send any reply nor reinstated the Petitioner into service. The brief facts are that he was dismissed without enquiry, no notice was given nor retrenchment compensation was paid. No charge sheet was issued. Hence, he may be reinstated with back wages.

3. A counter was filed. The Respondent management submits that the petition filed by the applicant under Sec.2 A (2) is not valid. The allegation that the Petitioner was working from 1984 and later he was appointed on regular vacancy from 19-12-94 and terminated on 14-6-99 are not correct. The management submits that the Petitioner was engaged from time to time to perform duties of attender and as and when there was requirement in the branch with the first Respondent in absence of regular attender and due to contingent nature of work.

4. The Petitioner's services were terminated. Petitioner was given a letter stating the allegation against him and he was given an opportunity to submit his explanation. The Petitioner gave his explanation which was found not satisfactory. Therefore, he was removed from service.

5. The allegations against the Petitioner was that he produced a letter said to be given by the Account Holder stating that he is permitting the bank to debit certain amount to his account every month and to credit that amount to the S.B. Account of the Petitioner. However, the customer denied having given any such authorisation to the bank which goes to show that the Petitioner by misusing the official position had attempted to defraud the bank and dupe the customer which is highly detrimental to the interest of the bank. It is also alleged that he was in the habit of borrowing amounts from the customers and outsiders who in turn were approaching the first Respondent management to get their dues and thus he tarnished image of the bank. The applicant was a temporary employee the person who gave the complaint was not co-operating with the Respondent management. Therefore, it is felt not desirable and possible to conduct any departmental enquiry as such it was not conducted and it was decided to remove the Petitioner from service of the bank by way of retrenchment by following statutory procedures, the Petitioner's services were not satisfactory. He was reprimanded several times by the first Respondent for his acts such as irregular attendance, outside borrowings etc. It is further submitted that the Petitioner was issued memo containing the allegations levelled against him and he was given opportunity to make his submissions on the said allegation and he was retrenched from the service of the bank only after finding that his explanation was not satisfactory. It is sufficient compliance with principles of natural justice. Further the document on the basis of which the allegations were made against the applicant and the said document

submitted by him to the bank to derive benefit was not disputed by him at any stage. Hence, the interest of the Petitioner was not prejudiced at any stage even though no departmental enquiry was conducted in this matter. However, the Respondent management reserved the right to prove the charge against the Petitioner in the Hon'ble Court. Having received retrenchment compensation @ 15 days wages for every completed year of service since 1984 a one month's pay in lieu of one month notice before terminating the Petitioner, he has spoken lies. Hence, he is not entitled for any relief as he has approached the Court with uncleaned hands.

6. This is a case transferred from Industrial Tribunal cum Labour Court, Visakhapatnam. Where the Petitioner examined himself as WW1 and deposed that he joined the management in the year 1984 as temporary attender. He worked in that capacity till June, 1999. Ex. W1 is the termination order dated 14-6-99 that he got issued a Lawyer's notice to reinstate him. Office copy is Ex. W2 dated 23-12-99. Postal receipt is Ex. W3. Postal acknowledgements are Ex. W4 and Ex. W5. Management did not give any reply.

7. The termination of his services is illegal. At the time of his removal he was getting Rs.2500/- per month. Ex. W6 is the pay certificate dated 18-6-99 showing his basic pay as Rs.1600/- special allowance as Rs.115/- and D.A. applicable. That Ex. W7 dated 30-9-95 is a letter given by management that the Petitioner was appointed records date back 13-5-87. That he has come directly to the Hon'ble Court without going to any other forum. Management deposited Rs. 24000/- and odd into his account, the details of which are not given to him. There is a regular post in Visakhapatnam. In the cross-examination he deposed that he has failed X standard. He worked as attender. It is true that whenever employees went on leave the Respondent bank used to call employees from panel list. He was in the panel from 1984 to 1988. It is true that he worked for 170 days only in that panel.

8. In the cross examination he deposed that he received a charge sheet from Head Office on 5-6-98 that is Ex. M1 that he has issued a letter to the bank signed by one Sri G. Prakash Rao S. B. Account Holder 24788 purportedly authorizing the Petitioner to debit his account of Rs.700/- every month for credit to his account No. 16563 maintained by the branch for a period of 9 months with effect from December, 1997. It is true that the said Sri G. Prakash Rao gave a complaint to the bank on 1-1-98 stating that his signature was obtained by the Petitioner on a blank paper for the purpose of the above withdrawal. That he was absent from duty from 8-12-97 to 22-1-98 subsequent to the issuing of the letter. It is also true that the bank also called for his explanation for his absence. Subsequently the complaint made by Sri G. Prakash Rao was withdrawn on 24-2-98. It is not true to say that he got it withdrawn by Sri G. Prakash Rao. It is one of his duties as an attender in S.B. C. Department to issue S.B. to customers. His

explanation was also called for in discharging duties as attender in said S.B.C. customers. That he gave explanation witness wanted subsequently no action was taken. It is not true to suggest that he lost the cheque of Rs. 20 lakhs which was entrusted to him due to his negligence. He was given show cause notice. That he gave explanation. It is not true to suggest that he was paid retrenchment compensation in lieu of the notice.

9. The bank has examined Sri T. Sree Krishna, Senior Manager, who deposed that he knows the Petitioner who used to work as temporary attender that they maintained a panel of temporary attenders. The Petitioner is not now in the panel list as his services were terminated vide Ex. W1. The Petitioner was terminated as he committed fraud. Regular enquiry was not done. They issued show cause notice. The workman also gave a reply. His explanation was not accepted and his services were terminated. Ex. W6 is the salary certificate issued by the bank. Still they are maintaining another attenders list but the name of the Petitioner does not find place.

10. In the cross-examination he deposed that he is working as Senior Manager of the branch since 1997. He knows the facts of the case. The appointing authority for the post of attender is zonal office. As per the instructions of the Chief Manager issued the termination order. Unless he verify the file he cannot say whether he submitted any instructions given by the Zonal Office. After issuing the file the witness stated that they have got written instructions which is Ex. M3. He denied that they did not follow the instructions. They have got standing orders for temporary employees and not for temporary attenders. Ex. M1 is the show cause notice. He denied that the allegations in the show cause notice are in no way concerned with the termination. The complaint and withdrawal of the complaint by Sri Prakash Rao are not available in the file. He cannot produce any letter addressed to the workman calling for enquiry. He denied to accommodate another person the Petitioner was removed with frivolous allegation. There were no written complaints but oral complaints against the Petitioner. Ex. M4 is the letter with details of compensation paid. It is not true to suggest that the compensation was not paid to the Petitioner at the time of termination. That they paid the compensation to S.B. Account of the Petitioner. He denied that the Petitioner was absorbed in a regular vacancy from 1994 as such the service rules of the Respondent management apply. Ex. W7 is the panel list. As per Ex. W7 the name of the Petitioner was included in the year 1984.

11. He was further cross-examined in this Court on 9-1-2002. Ex. M5 is the extract of manual of instructions about the duties of attenders. Ex. M6 is the panel of attenders list wherein Petitioner is at number four. Ex. M7 is the Xerox copy of the complaint made by Sri G. Prakash Rao. Ex. M8 are the relevant portions of Desai Award. Ex. M9 are the relevant portions of Shri Shastri Award. Fourth

Bipartite Settlement is Ex. M10. Ex. M11 is the credit slip. Ex. M12 is the debit slip. Ex. M13 is the pay order. Ex. M14 is the Petitioner's S.B. Account extract. Ex. M15 is the staffing pattern of the bank. Ex. M16 is the sub-staff attendance register extract. There is no letter of Sri G. Prakash Rao withdrawing the complaint against the Petitioner. It is not true to suggest that Ex. M6 was prepared after 14-6-99 that is after retrenchment of WW1. After the Petitioner was retrenched on 14-6-99 no attenders are appointed. It is correct after retrenchment of WW1, one Mr. K. Yoganandam from Ex. M6 panel and another person Shri Srinivasa Rao from another panel were appointed as temporary attenders. The panel list through their branch is only Ex. M6. Regional Office is having regional list. If the list exhausts in the branch, they will request and take any candidate from the regional list for appointment. During his tenure one Mr. R. V. Ramana was also working as temporary attender drawn from regional panel. The staff pattern of the main branch is already there. However, the regional office has sent it on 17-9-2002. Their branch is having three permanent attenders. The staff is reduced after mechanization. It is correct there were 3 permanent and 3 temporary attenders when the internal audit has taken place. The extract of the attendance register dated 14-6-99 is Ex. M8. Ex. M9 and Ex. M10. It is not correct to suggest that before removal of WW1 domestic enquiry should have been conducted and that the removal of WW1 is against the Desai Award, Shastri Award and Bipartite Settlement. It is not true to suggest that Ex. M11 and Ex. M12 are paid without knowledge of the WW1. Ex. W1 is the letter which shows why compensation was paid. The details are given in Ex. M4. 'that one month pay' retrenchment compensation @ 15 days wages and salary from 5-2-99 to 14-6-99. Ex. M17 is the letter alleged to have been written by Sri G. Prakash Rao to debit Rs. 700/- per month to the credit of WW1. Unless he verify he cannot say whether any amount was credited by virtue of Ex. M17. As per Ex. M18 it is mentioned that Sri Prakash Rao had withdrawn his complaint on 24-2-98. It is not true to suggest that compensation paid under Ex. M4 is not in accordance with the I.D. Act. In February, 1999 Petitioner attended only for four days and he cannot say why the salary was paid from 5-2-99 to 14-2-99. It is true that workman was paid salary from 5-2-99 to 14-6-99. The workman has not signed the attendance register from 6-2-99 to 13-6-99. He denied that he was not allowed to sign the attendance register during the said period.

12. It is argued by the Learned Counsel for the Petitioner that the workman initially joined in the year 1984. Later absorbed in regular vacancy from 1994. That no domestic enquiry or preliminary enquiry for the alleged allegation against the workman before termination was conducted. That the management did not reply to Lawyer's notice. Ex. W1 is the letter issued by the first management that the workman was taken into temporary attender panel list w.e.f. 13-5-87. It could be seen from Ex. M6 there are

four names of panel of temporary attenders who worked more than 90 days but in the remark column there was noting at Sl. No. 4 that the workman was retrenched on 14-6-99. Two more persons have been recruited in place of Petitioner. The basis for the removal is Ex. M1 which was issued on 8-6-98 for which the workman gave explanation but purposely removed him with an ulterior motive on 14-6-99 keeping in view of Ex. M1. As per para 1 of Ex. M1 the management states that they have received a letter purportedly signed by the customer authorizing the branch to debit Rs. 700/- every month to the account of the workman. Subsequently the customer lodge a complaint and later on withdrawn. Management did not choose to file the withdrawal letter but got filed the complaint which is Ex. M7. The management did not issue a show cause notice for the said allegation. The second allegation is non-delivery of IBC intimations and filling which is not a part of the duty of the workman as per Ex. M5. However, the management did not prove the same. If at all there are complaints from their customers against the workman. It is evidently clear that the management with a *mala fide* motive and intention foisted the false allegations to make a ground for removal.

13. The third allegation is about bringing a cheque from Bank of Madura Ltd., and to handover the same to State Bank of India. The workman lost it during the transit and immediately reported to the management. It is not a fraud or a misconduct. Further it is not a part of the duty of the attender.

14. All the above three so called misconducts occurred during the year 1997 and Ex. M1 was issued after a period of 6 months that is 5-6-99 and he was removed from service on 14-6-99 which clearly shows that the services and conduct of the workman was satisfactory. The management has not placed any evidence of the said allegations. Further the management witness himself admitted in the cross-examination that misplacement of papers in the office sometimes may take place on account of some confusion or negligence. Admitting without conceding of Ex. M1, the management ought to have conducted a preliminary or domestic enquiry before taking a decision of retrenchment based on the length of service. The workman refused to take the compensation and it was credited to his account on 15-6-99. It is the retrenchment compensation that was paid to the workman. It is the salary that was paid beside the retrenchment compensation for a period of four years when the workman has put his services since from 1984 that is for 15 years. Hence, the alleged retrenchment compensation said to have been complied with the I.D. Act and the same is not tenable under law. The management has reserved the right to prove the charges against the workman but they have not proved before the Hon'ble Court. Retrenchment compensation was paid for four years instead of 18 years. That several temporary attenders have filed writ petitions before the Hon'ble High

Court of A.P. demanding the regularization into the services of the bank and the Hon'ble High Court accepted the contentions of the management that due to mechanization of branches the need of attenders has considerably reduced in all its branches. If the plea of the management is correct then how two more attenders were appointed. There is no specific answer from the management.

15. He relies on the Judgement reported in 2000 LAB I.C. 1377 wherein their Lordships held that, "Casual Labour in government department who has worked continuously as such for more than 10 years and also acquired temporary status—prosecuted for criminal offences on allegation of assaulting gatekeeper on duty—Acquitted subsequently—Termination of his services on basis of same incident by paying him retrenchment compensation—Order passed on basis of preliminary enquiry and not on basis of regular departmental enquiry, without issuing a charge sheet or giving opportunity of hearing—Being punitive in nature, liable to be set aside—Fact that delinquent encashed cheque of retrenchment compensation—Is of no consequence. He does not debarred him from challenging order terminating his services being violative of fundamental rights or constitutional rights." In this case he submits that no preliminary enquiry was conducted nor any departmental enquiry was conducted and he has put in service continuously from 1984. Therefore this case is fully applicable to the facts of this case. He also relied on 2000 I.C. 1794 of Hon'ble Madras High Court therein the Hon'ble Single Judge held that, "Dismissal of employee—Order of dismissal sequel to proceeding initiated against employee on basis of complaint—It amounts to stigma—Order cannot be claimed to be termination simplicitor—Order passed without conducting enquiry and giving opportunity to explain is violative of Art. 311(2)". He submits that the facts of this case are also similar. He also relies on 2001 (4) ALD 61 Supreme Court wherein their Lordships held that, "In the order of termination it was mentioned that it is open to the employee to collect the dues before leaving—But it does not spell out whether it included the amount contemplated under Section 25-F—Hence, it cannot be said to be making an order in terms of Section 25-F." He also relies on 1999 (6) ALD 618 A.P. High Court where their Lordships held Section 2 A(2) introduced by A.P. Amendment Act 32 of 1987 which enables a workman to approach Labour Court directly without seeking a reference of the dispute by Government is valid and not inconsistent with Section 10 of the Act. He also relied on 1997 (4) ALD page 415 wherein their Lordships held that, "Employee working continuously for five years in an industrial undertaking to which Chapter 5-A of the Act applies—Oral termination of service without holding an enquiry—Illegal". He therefore prays that the Petitioner may be reinstated with back wages, continuity of service and all other attendant benefits.

16. The Respondent management submitted in the written arguments that whether in which way the dispute was handled by the Tribunal overlooking the objections raised by the Respondent management regarding maintainability of the dispute itself is not in order. Wherein it was held that instead of Sec. 2A(2) of the I.D. Act (A.P. Amendment Act, 1987) the workman has to approach the Labour Court only if the conciliation proceedings fail. In this case the Petitioner has not raised any industrial dispute before the conciliation officer and there is no failure of conciliation proceedings. Hence, it ought to have been dismissed on preliminary objection only.

17. The Respondent submits that the Petitioner was engaged as temporary attender in Visakhapatnam Main branch and allowed to perform duties on casual vacancies caused due to the leave/absence of the regular attenders and also due to the contingency of work demanded his engagement. The conditions of service of employees employed by the Respondent bank are governed by the various provisions of various Awards and Settlements signed/pronounced under the Industrial Disputes Act, 1947. As such they have got statutory force. The branch received a complaint from one of the customers to that effect that he had obtained standing instructions from the customer to transfer funds from the customer's account to his account by misrepresenting the facts and further requested the bank not to honour such instructions. The explanation of the Petitioner was called for and it was not satisfactory. Again he relies on M/s Nutrine Confectionary Company Ltd., Chittoor Vs. Government of Andhra Pradesh reported in ALT 87 DB 1999(6) and finds fault with the then Tribunal for not deciding the dispute as preliminary issue.

18. The claimant was working as temporary attender from 1984 with break-ups from time to time and on some occasions worked for a longer periods depending upon the exigencies of work. Subsequently the Government of India reviewed the bank on recruitment and advised the bank concerned to enter into a separate settlement with their respective unions to regularize the services of temporary attenders. Keeping the advise in mind the Respondent entered into a settlement with the recognized union of the bank that is Syndicate Bank Employees' Union under Section 12(3) of the Industrial Disputes Act, 1947. It may be seen from the letter dated 14-6-99 wherein he was retrenched from the service of the bank and it is mentioned that he had worked only for 170 days from 1984 to 1988 and again worked from 1994 only. There are several persons seniors to him. There were several complaints against the claimant being irregular in attendance to his duties and his other objectionable acts which were also proved before this Court through MWI. He also used to indulge in outside borrowings beyond his capacity to repay which resulted in persons concerned approaching while he was on duty. So it is clear from the

fact that an attachment order dated 18-6-98 for Rs. 17,913 for his outside financial dealings. So that speaks volumes about the indiscipline of the claimant even while he was temporary attender. The Respondent bank also has provisions to terminate employees who were not employed in permanent vacancies. Even if it is assumed that this Tribunal is right in entertaining the claim of the claimant there is no scope to consider his demand that is to regularize his services that too, with retrospective effect and consequential benefits since as per the settlement signed between the Respondent management and the then recognized union, the claimant is not entitled for immediate absorption. Further his services were dispensed with due to lack of confidence of his integrity and honesty. The Hon'ble High Court of Andhra Pradesh has upheld, the validity of settlement signed between the Respondent management and its Recognized Union during 1996 and held that the temporary employees cannot demand immediate absorption since the bank has issued that they would be absorbed into the regular vacancies as and when the need arises. Hence, the petition may be dismissed.

19. First coming to the question of jurisdiction, it may be noted that this case was taken on file in view of the Division Bench Judgement of the Hon'ble High Court of A.P. in 1998 wherein their Lordships held that Sec. 2 A(2) is also applicable to Central Government and one cannot approach the Labour Court directly under Sec. 2 A(2). The Learned Counsel for the Respondent relied on 1999 (6) ALD page 618 between Nutrine Confectionery Co., Ltd., Chittoor Vs. Government of Andhra Pradesh and others wherein brief facts of that case are that the workman in question was issued a charge sheet about serious misconduct and he was dismissed from service on 8-11-1982. That was before Sec. 2 A(2) was introduced vide A.P. Act 32 of 1987, with effect from 27-7-87. It was not a case of a person who was dismissed from service after the A.P. Act 32 of 1987 adding Sec. 2A (2) to the I.D. Act, 1947 with effect from 27-7-1987. There, in that case the conciliation proceedings had failed and the government refused to refer the matter under Sec. 10 and it was held that the Respondent was entitled to approach the Labour Court under Sec. 2A(2) of the Act. I do not think in any way this Judgement put lay down a separate law then what was laid down by the Hon'ble High Court of A.P. in the Division Bench Judgement in 1998(5) ALD page 16 i.e., U. Chinnappa and others. Further, in 2000(2) LLJ Ande Lingaiah and M/s Singareni Collieries Co. Ltd. their Lordships held that the Respondent No.1 therein will be entitled to file appropriate application under Sec. 2A Sub-section 2 of the Act before this Tribunal cum Labour Court (in fact, he did file one such and the same was disposed off granting some relief to the Petitioner). Although there is no such amendment yet the Hon'ble Supreme Court directed to approach directly the Central

Government Industrial Tribunal-cum-Labour Court and directed this Tribunal to decide on merits without going into the question of maintainability. Further, the Hon'ble Supreme Court has directed as late as 2003 (I) LLJ page 1127 in a public interest litigation held, "...but in the States of Karnataka and Andhra Pradesh such provisions have been introduced into the Act without any deleterious effect. On the other hand such a course has facilitated easy disposal. They were referring to Sec. 2A(2) and further held not standing a likelihood of frivolous litigations being initiated by the disgruntled workmen". The Hon'ble Supreme Court, referring to the provisions already made in this behalf in the States of Karnataka and Andhra Pradesh thought it appropriate for the Respondent Government *ie.* Union of India to take steps to make a provisions in the I.D. Act, 1947 enable a workman to approach a Labour Court or Industrial Tribunal directly without the requirement of reference by the government in case of industrial dispute covered by Sec. 2 A of the Act. So it may be seen that from the above Judgements I hold that this Court has got jurisdiction and the workman can directly approach the Court under Sec. 2A(2) in fact such a provision is inserted to avoid the Hardships to the individual workmen whose costs may be effused to be espoused by the union. Having stay at rest the preliminary petition now let us deal in the facts of the case.

20. The Petitioner examined himself as WW1 and deposed that he joined the Management in the year 1984 as temporary attender and worked till 1999. When he was terminated by order dated 14-6-99 he got issue a Lawyer's notice which is Ex. W2. Ex. W6 is the pay certificate dated 8-6-99 showing his pay details. That this is a regular post in Visakhapatnam, the Management deposited Rs.24,000 in his account. That from 1984 to 1988 he worked only for 170 days as attender in leave vacancies. In the cross-examination he deposed that he received a chargesheet from Head Office on 5-6-98 that is Ex. M1. That he had issued a letter to the bank signed by one Sri G. Prakash Rao, SB A/c holder vide A/c No. 24788 authorizing him to debit his account of Rs.700 every month for credit to the Petitioner's account No.16563 maintained by the branch for a period of 9 months with effect from December, 1997. That the said Mr. G. Prakash Rao gave a complaint to the bank on 1-1-98 stating that his signature was obtained by him on a blank paper. That after the issuing of that letter he was absent from duty from 8-12-97 to 22-1-98. The bank also called for his explanation for his absence. Subsequently, the complaint made by Sri G. Prakash Rao was withdrawn on 24-2-98.

21. The bank examined the Senior Manager and he agreed that no regular enquiry was done. A show cause notice was issued and the workman gave a reply. His explanation was not accepted that his services were terminated. There were no other written complaints but,

oral complaints against the Petitioner. Ex. M4 is the letter with details of compensation paid.

22. It may be seen that for the past allegations there is no proof but the present allegation does not seem to be completely out of place. As there is a complaint Ex. M7 by the said Sri G. Prakash Rao and the absence of the Petitioner from duty from 8-12-97 to 22-1-98 after the alleged letter was issued by one Sri G. Prakash Rao also gain significance. As I held in several cases I once again reiterate that no employee should be promoted to operate the account of a customer barring his near relatives who also if unable to come due to sickness or being physically handicapped. Similarly such request for transferring some amount from the account by a customer to the account of the employee are not also be entertained. But unfortunately in this case even according to MW1 Sri T. Sree Krishnia, Senior Manager, the complaint and withdrawal of complaint by Sri G. Prakash Rao are not available in the file. But he admitted that as per Ex. M18 it is mentioned that Sri G. Prakash Rao has withdrawn his complaint. Ex. M4 shows that he was given one month in lieu of notice retrenchment compensation of 15 days wages for every completed year of service since 1994 (Rs.1666.68 × 4) amounting to Rs. 6666.72 and salary from 5th February to 14-6-1999. According to him, he worked only for four days and he cannot say why salary from 5-2-99 to 14-6-99 was paid.

23. It may be seen that no enquiry was conducted nor even if the enquiry is not conducted did the Management tried to prove allegations against the Petitioner except examining MW1 and in Ex. W7 it is clear that the Petitioner is appointed as a temporary attender from 13-5-1987. He was dismissed in 1999 after having putting 12 years of service. Retrenchment compensation is also not properly calculated. If not a detailed enquiry even a preliminary enquiry is not conducted. There may be several circumstances which might be that Sri G. Prakash Rao might have borrowed the amount from Petitioner and passed on Ex. M7. I do not want to repeat the number of judgements which are too well known. For instance 1997 (4) ALD page 415 of Division Bench of the Hon'ble High Court wherein their Lordships held that, "employee working continuously for five years in an industrial undertaking to which chapter 5 A of the Act applies. Oral termination of service without holding an enquiry illegal". Further, from the compensation paid vide Ex. M4 it is very clear that even according to it he was in regular service from 1994 which is wrong. Since in view of Ex. W7 it is very clear that he was appointed as a temporary attender from 13-5-87. So this Judgement applies. Further in 2001 (4) ALD page 61 of Hon'ble Supreme Court, it was held that, "in the order of termination it was mentioned that it is open to the employee to collect the dues before leaving. But it does not spell out whether it included the amount contemplated under Sec.25-F—Hence, it cannot be said to be making an order in terms of Sec.25-F". Further, Supreme

Court held in 2000 LAB I.C. 1377 where the facts were casual labour in Government Department working continuously as such for more than 10 years and also acquired temporary status prosecuted for criminal offence of allegation of assaulting gatekeeper on duty—Termination of his services on basis of same incident by paying him retrenchment compensation—Order passed on basis of preliminary enquiry and not on basis of regular departmental enquiry without issuing a chargesheet or giving opportunity of hearing—Being punitive in nature liable to be set aside—Fact that delinquent employee encashed cheque of retrenchment compensation is of no consequence". In view of this Judgement I have no option but to set aside the dismissal order dated 14-6-99 and direct that the Petitioner be reinstated on or before 1st September, 2003 on his last pay drawn with all attendant benefits (except back wages). It is hereby ordered that the one month pay in lieu of notice Rs.3333.36 ps and retrenchment compensation Rs. 6666.72 ps paid vide Ex. M4 shall be retained by the Petitioner as compensation in lieu of wages for the period from 15-6-99 till the date of his reinstatement. As there is some stigma attached to him and further he must have worked somewhere or else, no back wages are ordered except as stated above. His entire service from 13-5-87 including this period shall be calculated for the terminal benefits only. If the Petitioner is not reinstated on or before 1st September, 2003 he will be entitled to wages from 1-9-2003.

Award passed accordingly. Transmit.

Dictated to Kurn. K. Phani Gowri, Personal Assistant, transcribed by her corrected and pronounced by me in the Open Court on this the 27th day of June, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner : Witnesses examined for the Respondent :

WW1 : Sri G. Kali Shankar MW1 : Sri T. Sree Krishna

Documents marked for the Petitioner

Ex.W1 : Termination order No.947/3580/GKS/TA/RTO/99 dt. 14-6-99

Ex.W2 : Copy of Lawyer Notice sent by WW 1 dt. 23-12-99

Ex.W3 : Postal receipt

Ex.W4 : Postal acknowledgement

Ex. W5 : Postal acknowledgement

Ex.W6 : Pay certificate No. 897/3580/GSK/99 dt. 8-6-99

Ex.W7 : Copy of temporary appointment order No. DOV/ 3348/PS/TAT/AC/95 VS-4

Documents marked for the Respondent

Ex. M1 : Copy of show cause notice No. 71/346(5)/IRS dt. 5-6-98

Ex. M2 : Copy of WW1's reply to Ex. M1

Ex. M3 : Copy of instructions No. SBV/3580/949/99/ROV dt. 15-6-99

Ex. M4 : Copy of Ir. No. 957/3580/IRS-ZOH/99 dt. 15-6-99

Ex. M5 : Copy of extract of manual instructions about duties of attenders

Ex. M6 : Panel of attenders list dt. 15-10-2001

Ex. M7 : Copy of complaint of Sri G. Prakash Rao dt. 1-1-98

Ex. M8 : Copy of relevant portions of Desai Award

Ex. M9 : Copy of relevant portions of Sri Shastri Award

Ex. M10 : Copy of IV Bipartite settlement

Ex. M11 : Copy of credit slip dt. 14-6-99

Ex. M12 : Copy of debit slip dt. 14-6-99

Ex. M13 : Copy of pay order dt. 15-6-99

Ex. M14 : Copy of Petitioner's S.B. A/c extract

Ex. M15 : Copy of Ir. No. 2999/ZOH/PS/AS/2002

dt. 17-9-2002 reg. staffing pattern of the bank

Ex. M16 : Copy of sub-staff attendance register extract

Ex. M17 : Copy of letter alleged to have written by Sri G. Prakash Rao dt. 2-12-97

Ex. M18 : Copy of Ir. No. 71/346(5)/IRS dt. 5-6-98 (it is mentioned in this letter that Ex.M17 was withdrawn on 24-2-98.

नई दिल्ली, 14 अगस्त, 2003

का०आ० 2558.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकारण, गोहाटी के पंचाट (संदर्भ संख्या 7(c)/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-8-2003 को प्राप्त हुआ था।

[सं० एल-12011/177/2001-आईआर०(बी-सी)]

सी० गंगाधरण, अवर सचिव

New Delhi, the 14th August, 2003

S.O. 2558.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7(c)/2002) of the Industrial Tribunal, Guwahati as shown in the Annexure, in the Industrial Dispute between the management of Union Bank of India and their workmen, which was received by the Central Government, on 13-8-2003.

[No. L-12011/177/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL: GUWAHATI :
ASSAM

REFERENCE NO. 7(C) OF 2002

PRESENT: Shri H. A. Hazarika, LL.B.,
Presiding Officer,
Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute between :

The Management of
Union Bank of India, Chandmari, Ghy-3

Vs.

Their workmen represented by the
General Secretary,
Union Bank Employees Union
(NER), Fancy Bazar

Date of Award : 18-7-2003

AWARD

The Ministry of Labour, Govt. of India, referred a dispute exists between the Union Bank Regional Office, Guwahati and the concerned union for adjudication and to pass an award vide their Order No. L-12011/177/2001-IR (B-II) dt. 29-4-2002 on the basis of following issue :

"Whether the action of the management of Union Bank of India in denying creation of the post of Special Assistants at Katlicharra and Sundaridia branches w.e.f. 1-4-2000 is justified ? If not, what reliefs the workmen are entitled to ?"

Having received the referred matter this Tribunal registered a case being numbered 7(C) 2002 and notified both the parties for appearance.

In obedience to the notices both the parties appeared and filed their respective written statement and documents etc. and contested the matter.

The case of the workmen briefly from the narration of their written statement etc. is that as per policy adopted through negotiation between the management and union concerned on 10-10-92 the management Bank agreed to create post of Special Assistants if the Rural Branches of the Bank able to develop and raise the Bank business to Rupees two crores for two consecutive years.

In terms of the negotiation an agreement was executed between the parties concerned on 27-3-95. It was also agreed that on fulfilment of condition the post are to be created from 1st April every year.

The Branches of Katlicharra and Sundaridia fulfilled the conditions as per the agreement. But the Bank went back from their commitment and instead of creation of the post from 1-4-2000 decided to create it from 1-4-2001 and prayed to decide the referred matter in favour of the union.

The case of the management in brief is that the management laid down the criteria for creation of post of Special Assistants depending upon the business of the Branch. Accordingly the parties concerned have arrived at settlement. But nowhere it is laid down that the management shall create the post immediately as such it is the right of the management to create or to abolish the post depending upon the exigencies of the banks business of the Branches. Thus the creation of the post of Special Assistants is not automatic and prayed to reject the claims of the union as unjustified.

The union examined their General Secretary, Mr. J. Chakraborty who is cross-examined by Mr. A. Puzara, Senior Manager (Personnel) of the management Bank. The management also examined Mr. A. Puzara Senior Manager (Personnel) of the Bank concerned who is also cross-examined by Mr. J. Chakraborty, General Secretary of the union.

Perused the evidence recorded by my own hand as well as the documents available in the record. On careful scrutiny of the evidence and documents in the record I find there was a negotiation between the union concerned in one hand and the management Bank in the other hand and they have arrived at a settlement that if the business of a Rural Branch of the bank concerned raised to 4 crores for two consecutive years then the management bank will create the post of Special Assistants for the respective Rural Branch which would be able to fulfill the condition laid down. This way or that way the management bank admitted it. Now the crucial point before me is that the union claim that after fulfilment of the condition the Special Assistants post of the Rural Branch is to be created from 1st April every year. On the other hand the management bank claim that nowhere in the agreement they agreed that the post of Special Assts. will be created immediately after fulfilment of the condition. That the bank claim the creation of post of Special Assts. is not automatic. It is the independent decision to be taken by the bank for creation of post of Special Assts. after fulfilment of the condition.

It is admitted fact that Katlicharra and Sundaridia fulfilled the condition as per the agreement. Hence the management is to create the post of Special Assts. after fulfilment of the condition. I do not agree that after fulfilment of the condition the creation of Special Assts. is not automatic. What I find for ends of natural justice it is the duty of the management to create the post after fulfilment of the condition and that should be from 1st April every year.

Under the above fact and circumstances the issue referred is decided in favour of the union and bank is not to go back from creation of the Special Assts. post at Katlicharra and Sundaridia from 1-4-2000. Accordingly the issue is decided in favour of the union. Prepare an award accordingly.

H. A. HAZARIKA, Presiding Officer

नई दिल्ली, 14 अगस्त, 2003

कां आ० 2559.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अमुद्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/42 का 2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-08-2003 को प्राप्त हुआ था।

[सं० एल-31012/30/99-आई०आर०(एम)]
सी. गंगधरण, अवर सचिव

New Delhi, the 14th August, 2003

S.O. 2559.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/42 of 2002) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2 Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on 14-08-2003.

[No. L-31012/30/99-IR (M)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT:

S.N. Saundankar : Presiding Office

Reference No. CGIT-2/42 of 2000

EMPLOYERS IN RELATION TO THE MANAGEMENT OF MUMBAI PORT TRUST.

The Chairman,
Mumbai Port Trust,
Mumbai-400 038

Vs.

Their Workmen

The Secretary,
Mumbai Port Trust Dock and General Emp. Union,
Port Trust Kamgar Sadan, Nawab Tank Road,
Mazagaon, Mumbai-400 010.

APPEARANCES:

For the Employer : Mr. Umesh Nabar,
Advocate.

For the Workmen : Mr. Jaiprakash Sawant,
Advocate.

Mumbai, dated, the 3rd July, 2003

AWARD

The Government of India, Ministry of Labour by its Order No. L-31012/30/99/IR (M) dated 25-5-2000 in exercise of the powers conferred by clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Mumbai Port Trust, Mumbai, in fixing the pay of Shri Drigpal Singh Chatter Singh at Rs. 2,785/- on promotion while fixing the pay of workmen junior to him namely, Shri Sambhoji Appa Gigawal and Shri Raghunath Tukaram Kudarkar at Rs. 2810/- is justified? If not, to what relief Shri Drigpal Singh Chatter Singh is entitled?”

2. Vide Statement of Claim (Exhibit-4) it is the contention of workman Singh that he was promoted as Head Watchman w.e.f. 1-2-1995 and consequently his pay should have been fixed under the service rules at Rs. 2845. instead of Rs. 2785. It is contended the same was brought to the notice of the management but none paid heed, therefore he prayed the management be directed to fix his pay as above. Management Mumbai Port Trust resisted the claim vide Written Statement (Exhibit-7).

3. On perusing the record it is seen after leading evidence when the matter was fixed for argument, both the parties by application (Exhibit-17) enclosing a letter of the Port Trust dated 1-7-2003 pointed out that the management has fixed the pay of workman Shri Singh as Rs. 2810/- as on 1-4-1995 and as such the reference since settled, be disposed of. Hence the order :

ORDER

Reference stands disposed of vide purshis (Exhibit 17).

S.N. SAUNDANKAR, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT MUMBAI

Reference No. CGIT-2/42 of 2000

BETWEEN:

Mumbai Port Trust : 1st Party

And

Shri Drigpal Singh Chatter Singh : 2nd Party

MAY IT PLEASE THIS HON'BLE TRIBUNAL

In the above reference the claim of the Second Party workman is that he should be paid Rs. 2810/- instead of Rs. 2785/- from 1-4-1995 and his pay to be fixed accordingly. The claim of the workman is considered favourably by the First Party and he has been issued letter dated 1st July, 2003, copy of which is enclosed herewith. The workman agrees that his claim in the above reference is satisfied.

In the circumstances, the above reference be disposed off accordingly.

Mumbai :

Dated : 3rd day of July 2003.

Sd/-

(Jaiprakash Sawant)

Advocate for the
Second Party

Sd/-

(Umesh Nalson)

Advocate for the
First Party

कोड नं.

Code No. 89165378

जी 63 एफ/बी
G63 F/B

टेलेक्स
Telex : 011-2345

मुंबई पोर्ट ट्रस्ट

Mumbai Port Trust

From : CE : E/1—6(CGIT)/2169

Dated :

रजिस्ट्री रसीद डाक
REGISTERED AD

July 2003

FROM :

The Chief Engineer,
Civil Engineering Deptt.,
Mumbai Port Trust,
Port House, 3rd Floor,
S.V. Road, Fort,
Mumbai-400001.

To,

Shri Drigpal Singh Chhattar Singh
At : Hussainpur Pahadhigh,
Post : Karanpur Dutta,
Tal. : Amritpur,
Distt. : Farukhabad,
Uttar Pradesh, Pin.-209622.

Sub.—Reference No. CGIT 2/42 of 2000 Employees
in relation to the Management of MBPT and
their workmen, Shri Drigpal Singh Chhattar
Singh, Ex-Watchman GWND.

Kindly note that your request for fixing of pay as
Rs. 2810 instead of Rs. 2785/- as on 01-04-1995 is
considered in your favour and the same is being calculated
shortly.

Sd/-

Dy. Chief Engineer.

नई दिल्ली, 14 अगस्त, 2003

का० आ० 2560.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक
ऑफ बीकानेर एंड जयपुर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके
कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय
सरकार औद्योगिक अधिकरण कम-लेबर कोर्ट, लखनऊ के पंचाट
(सदर्थ संख्या आई०ड० नं० 174/2000) को प्रकाशित है, जो केन्द्रीय
सरकार को 13-08-2003 को प्राप्त हुआ था।

[सं० एल-12012/239/2000-आई०आर० (बी-१)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 14th August, 2003

S.O. 2560.—In pursuance of Section 17 of the
Industrial Dispute Act, 1947 (14 of 1947), the Central
Government hereby publishes the award (I.D. No. 174/
2002) of the Central Government Industrial Tribunal cum
Labour Court, Lucknow as shown in the Annexure in the
Industrial Dispute between the employers in relation to
the management of State Bank of Bikaner & Jaipur and
their workman, which was received by the Central
Government on 13-08-2003.

[No. L-12012/239/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT: LUCKNOW

PRESENT:

Shrikant Shukla : Presiding Office

I.D. No. 174/2000

Ref. No. L-12012/239/2000/IR/(B-I)

dated 16—24-10-2000

BETWEEN

Surendra Pratap Verma
C/o Sri Radhey Shyam Tewari
107/76 Jawahar Nagar
Kanpur-208001

AND

I, The General Manager,
State Bank of Bikaner & Jaipur
Head Office, Tilak Marg,
Jaipur (Rajasthan) 302001

The Manager
State Bank of Bikaner & Jaipur
Kaushalpuri
Kanpur

AWARD

Bharat Sarkar Sharm Mantralaya, Ministry of Labour, New Delhi vide their Order No. L12012/241/2000/IR(B-1) dated 16-10-2000 has referred following Industrial Dispute for adjudication to this Industrial Tribunal cum Labour Court:

"Whether the action of the management of State Bank of Bikaner & Jaipur in terminating the services of Shri Surendra Pratap Verma w.e.f. 24-4-1985 is legal and Justified? If not, to what relief the workman is entitled to?"

2. The worker filed statement of claim and the opposite party filed the written statement. Thereafter the worker moved an application 5-9-2001 for consigning the case file to the record room stating in the application that the Government of India, Ministry of Labour has referred the matter to CGIT-cum-Labour Court, Kanpur for adjudication and he does not want to proceed with the present case. The Predecessor in office mentioned in the order sheet that there is no information that the case is referred to CGIT-cum-Labour Court, Kanpur and therefore the next date was fixed on 23-10-2001 for evidence. On 23-10-2001 the predecessor in office passed following order.

PRESENT

A/R workman : R.S. Tewari

A/R Management : Puneet Chandra

"Case taken up. The identity of the workman is not established in the reference order. The order gives only correspondence address of the workman. It is obligatory to ascertain identity of the workman before the case could proceed. A copy of this order sheet is sent to the Ministry of Labour requiring it to send complete address of the workman i.e. name, father's name, age, place of residence, post office, police station and district. The workman may also approach in getting the reference order connected.

It is also informed by the A/R of the workman that another reference order has been made to CGIT-cum-Labour Court, Kanpur on the same subject matter. The Ministry is expected to take cognisance of this fact and pass appropriate order.

Fix 11-12-2001

Sd/-

P.O."

Thereafter the worker or his representative did not turn up on 11-12-2001, 10-1-2002 and thereafter 29-1-2002 was date fixed. On that date the predecessor passed following order;

Present

A/R workman : R.S. Tewari

A/R Management : Puneet Chandra

24.20 Gu/03 — 12

"An application is filed on behalf of the workman that the Ministry has also referred this industrial dispute to the CGIT-cum-Labour Court, Kanpur and the matter is under adjudication there.

A letter be sent to the Ministry to clarify the position whether two references on the same subject matter, one to the CGIT-cum-Labour Court, Kanpur and other to this Tribunal have been made? If in alternative, the Central Government may like to recall the reference. Fix 7-3-2002 for order.

Sd/-

P.O.

On 7-3-2002 the parties remained absent and the next date fixed was 30-4-2002. Worker or his representative thereafter-absented on 30-4-2002, 5-6-2002, 5-8-2002, 23-9-2002, 1-11-2002 and 3-1-2003.

On 4-4-2003 a letter was written to Desk Officer, Govt. of India, Ministry of Labour, New Delhi with reference to the order of the government about adjudication and subsequent communication and the Desk Officer was requested to inform whether this particular reference has been referred for adjudication to CGIT-cum-Labour Court, Kanpur if so whether CGIT-cum-Labour Court, Lucknow can close this reference and the statement of claim filed by the claimant together with the written statement could be forwarded to CGIT-cum-Labour Court, Kanpur. The Government of India did not reply the said letter. Therefore another letter was sent to the Ministry vide No. CGIT/LKO/ID/174/2000 dated 8-5-2003 alongwith previous letter of 4-4-2003 and the Desk Officer was informed that no reply to the letter dated 4-4-2003 has been received so far and the worker is also not turning up and therefore the Desk Officer was requested to look into the matter and inform whether the matter has been referred to Kanpur so that this case could be consigned. Till this date the Government has not informed whether or not this reference has been referred to CGIT-cum-Labour Court, Kanpur.

Worker to is not turning up, in the circumstances & in the fitness of the case the reference is liable to be returned to the Government unanswered, so that there should be no conflicting conclusion on the reference in the matter if the same is also adjudicated by CGIT-cum-Labour Court, Kanpur.

From the discussions above I come to the conclusion that the reference be returned unanswered.

Dated 4-8-2003

LUCKNOW

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 14 अगस्त, 2003

का० आ० 2561.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर कोर्ट, जबलपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एलसी/आर/209/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-08-2003 को प्राप्त हुआ था।

[सं० एल-41012/47/91-आईडीयू (बी-1)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 14th August, 2003

S.O. 2561.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Case No. CGIT/LC/R/209/91) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on 13-08-2003.

[No. L-41012/47/91-IDU (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR

CASE NO. CGIT/LC/R/209/91

PRESENT:

Shri R.K. Dubey	: Presiding Officer
Shri Hifazat Ali, S/o Shri Mohd Ali Mohalla Kulparda, Harda, Distt. Hoshangabad	: Applicant

Versus

The Chief Bridge Engineer, Central Railway, Railway Electrification, Ajni, Nagpur (MS)	: Non-applicant
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AWARD

Passed on this 30th day of July, 2003

1. The Government of India, Ministry of Labour *vide* order No. L-41012/47/91/IRDU dated 12-11-1991 has referred the following Dispute for adjudication by this Tribunal :

“Whether the action of the Central Railways in terminating the services of Shri Hifazat Ali, S/o Shri Mohd. Ali was Justified? If not, to what relief the workman is entitled?”

2. The brief facts of the statement of claim filed by the workman are that the workman was employed as monthly rated casual labour under the non-applicant. He worked as MRCL. He was granted service certificate by SSRI (RE), AG, Nagpur (Chief Bridge Inspector), Railway electrification, Ajni. Applicant services were abruptly terminated by the Executive Engineer, Brijesh after 10-4-88 on the plea of not having a service card. Applicant pleaded and represented his case before the CAT and ALC(C), Bhopal. It was prayed on behalf of the applicant that the applicant be awarded his services by declaring that the termination of the applicant is illegal. Applicant should be reinstated in service with full back wages.

3. Non-applicant in his written statement submitted that the applicant employed only after producing a service card. This service card No. 95703 after enquiry found to be not issued by any authority and therefore it was forged. When it was found that the applicant entered in the service only after producing the false card, then his services is terminated. Termination order of the applicant is just and proper because workman committed misconduct by obtaining employment by fraud.

4. Following issues are necessary for the just decision of the case :

1. Whether the workman was properly terminated ?
2. Whether the workman was entitled for any relief ?

5. Issue No. 1 :

The statement of claim of workman is silent on the point of service card. Workman in the statement of claim made only a passing reference of the allegations of non-applicant that he obtained false service card. Applicant himself appeared in the witness box of the tribunal and was cross examined at length. In para-21 and 22 applicant relied the questions concerning with the service card. Applicant stated that in 1979, he procured casual service card from Delhi. Witnesses unable to name the office from where he obtained service card. According to witness he deposited Rs. 4 or 5/- as the fees of card and received a receipt of the amount but no receipt produced on behalf of the workman. Applicant is also unable to identify or name the official who gave the applicant card. Thus, it is clear from the reply of the workman that he tried to avoid to answer the questions put to him in this regard. It is clear from the applicant's evidence that the applicant's service card is false otherwise applicant produced the receipt of the amount in the court. Applicant also clearly told the name of the office from where he procured the service card and document and also if possible told the name of the official

in the court. To remain silent on this important point shows the ignorance or lapse of memory clearly support the contention of the non-applicant that the service card produced by the workman is false.

6. Any service is a contract between employee and employer. Contract is based on mutual trust, confidence, sincerity and honesty. When one person with an intention to enter the service at any cost produced false certificate or service card, then he breach the contract or trust. It is also settled law that such type of contracts which are based on misrepresentation or forgery are null and void in law. When any contract is void *ab initio*, then the guilty party cannot claim any right or privileges from this contract. In my view, if any person enters by producing the false card into the service, then his service is itself void from the beginning. He cannot claim any right after completing 120 or 240 days of service. Therefore the workman did not got any right from the service which were started on forgeries.

7. The decision of CAT, Nagpur produced on behalf of the workman but the decision of the CAT is not binding on this court. It is also clear that the learned members of the CAT did not examine the case from legal point of view. Therefore this case of the fact did not help the workers.

8. Thus it is clear from the perusal of the evidence and pleadings of both the parties that the workman obtained their service by producing false card and hence their dismissal is proper, just and legal.

9. Issue No. 2 :

As I pointed out in the last para, the workman obtained the service by producing false card therefore no right accrue to them and their dismissal from the service is just and proper. Therefore the workman did not entitled for any relief.

10. It is clear from the above marshelling and appreciation of evidence that the dismissal of workman were just and proper. Therefore the statement of claim filed by the workman is dismissed. Both parties should bear their cost themselves. Advocate fees is Rs. 1500/- if certified.

11. The reference of the Ministry is answered that the action of the Mgt. of Central Railway in terminating the services of Shri Hifazat Ali S/o Mohd. Ali is justified.

R. K. DUBEY, Presiding Officer

नई दिल्ली, 14 अगस्त, 2003

कांग आ० 2562.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इटावा क्षेत्रीय ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर कोर्ट, कानपुर (यू. पी.) के पंचाय

(संदर्भ संख्या आई. डी. नं. 6 ऑफ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-8-2003 को प्राप्त हुआ था।

[सं० एल-12012/262/2002-आईआर (बी-१)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 14th August, 2003

S.O. 2562.——In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I. D. No. 6 of 2003) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur (U.P.) now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Etawah Kshetriya Gramin Bank, and their workman, which was received by the Central Government on 13-8-2003.

[No. L-12012/262/2002-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SRI SURESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
SARVODAYA NAGAR, KANPUR (U.P.)**

Industrial Dispute No. 6 of 2003

In the matter of dispute between

Kumari Rekha Rani
C/o B. P. Saxena
426, W-2 Basant Vihar,
Kanpur.

AND

The Chairman
Etawah Kshetriya Gramin Bank
Head Office 123, Civil Lines
Etawah (U. P.)

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/262/2002-IR (B-1) dated 6-2-2003 has referred the following dispute for adjudication to this Tribunal —

“Whether the action of the management of Etawah Kshetriya Gramin Bank in dismissing Kumari Rekha Rani from the service of the bank w.e.f. 15-9-2000 is legal and justified ? If not what relief she is entitled for ?”

2. In the instant case after receipt of the reference order registered notices were issued to the parties directing to file statement of claim, by the workman. From a bare perusal of the order sheet it is evident that the workman after availing sufficient opportunities failed to file statement of claim. On 29-7-2003 when the case was taken up for

hearing the authorised representative for the workman moved an application praying to the tribunal to wait till afresh or amended reference from the Government of India is received. It appears that the workman is not willing to file statement of claim with regard to the present reference.

3. In these circumstances the tribunal is left with no other option but to hold that the workman is not entitled for any relief for want of pleadings and proof in support of his case.

4. Accordingly it is held that the workman is not entitled to any relief pursuant to the present reference order for want of pleadings and proof. Hence the reference is answered against the workman.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 21 अगस्त, 2003

का० आ० 2563.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 सितम्बर, 2003 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी हैं) अध्याय 5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपरबूत उड़ीसा राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला अनगुल की अनगुल तहसील के अन्तर्गत तुरंगा, अनगुल नगर, हुलूरी सिंगा, नुआहाट, गोटमरा एवं बंगरपाल क्षेत्र की राजस्व गाँव”।

[संख्या : एस-38013/26/03-एस. एस.-1]

के. सी. जैन, निदेशक

New Delhi, the 21st August, 2003

S.O. 2563.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2003 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Orissa namely :—

“The areas comprising the Revenue Villages of Turanga, Angul Town, Hulurisinga, Nuahata, Gotmara and Banarpal under Angul Tehsil in the District of Angul.”

[No. S-38013/26/2003-SS-I]

K. C. JAIN, Director

नई दिल्ली, 25 अगस्त, 2003

का० आ० 2564.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अक्तूबर, 2003 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 5 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी हैं) अध्याय 5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपरबूत उत्तर प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“परगना, तहसील एवं जिला-फिरोजाबाद के अन्तर्गत आने वाले राजस्व ग्राम-राजा का ताल, ललू रोड, चमेली बाग, ढोलपुरा, इण्डस्ट्रियल स्टेट, नागलाभाऊ, भाऊ का नागला एवं अगरा रोड के अन्तर्गत आने वाले क्षेत्र”।

[संख्या : एस-38013/27/2003-एस. एस.-1]

के. सी. जैन, निदेशक

New Delhi, the 25th August, 2003

S.O. 2564.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 2003 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Uttar Pradesh namely :—

“Areas falling within the Revenue Villages of Raja Ka Taal, Lalau Road, Chameli Bagh, Dhoalpura, Industrial Estate, Nagala Bhau, Bhau Ka Nagala and Agra Road in Pargana, Tehsil and District Firozabad.”

[No. S-38013/27/2003-SS-I]

K. C. JAIN, Director

नई दिल्ली, 26 अगस्त, 2003

का० आ० 2565.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अक्तूबर, 2003 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी हैं) अध्याय 5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपरबूत तमिलनाडू राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला विरुद्धनगर के सिवकासी तालुक के राजस्व ग्राम-एनजर तथा उसके गाँव-नदुवापट्टी, पूवानाथापुरम, समिनाथम, एस. पुडुपट्टी, मन्तुकु, मीनदमपट्टी, अरुनासलापुरम, अलगपुरी तथा राजस्व ग्राम-वैन्दुरायपुरम

के गाँव-गोप्पिनायकनपट्टी, मलायुरानीपट्टी के अन्तर्गत आने वाले क्षेत्र”।

[संख्या : एस-38013/28/03-एस. एस.-I]
के. सी. जैन, निदेशक

New Delhi, the 26th August, 2003

S.O. 2565.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 2003 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Tamil Nadu namely:—

“Areas comprising the revenue villages of Enjar and its hamlets namely; Naduvapatti, Poovanathapuram, Saminatham, S. Pudupatti, Mannukku Meendampatti, Arunasalapuram, Alagapuri; and

Vendurayapuram and its hamlets namely; Goppainackanpatti, Malayuranipatti of Sivakasi Taluk in Virudhu-Nagar District.”

[No. S-38013/28/2003-SS-I]

K. C. JAIN, Director

नई दिल्ली, 28 अगस्त, 2003

का० आ० 2566.—जबकि मेसर्स डॉ. ए. वी. कालेज न्यास एवं प्रबन्धन सोसाइटीज डीएल-6528 (इसके पश्चात् उक्त प्रतिष्ठान के रूप में उल्लिखित) ने कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (इसके पश्चात् उक्त अधिनियम के रूप में उल्लिखित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अन्तर्गत छूट के लिए आवेदन किया है।

और जबकि केन्द्र सरकार के विचार में अंशदान की दरों के संबंध में उक्त प्रतिष्ठान के भविष्य निधि नियम उक्त अधिनियम की धारा 6 में उल्लिखित की तुलना में कर्मचारियों के लिए कम अनुकूल नहीं हैं और कर्मचारी अन्य भविष्य निधि लाभों का भी फायदा उठा रहे हैं कुल मिलाकर इसी प्रकार के किसी अन्य प्रतिष्ठान में कर्मचारियों के संबंध में उक्त अधिनियम के अन्तर्गत अथवा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके पश्चात् उक्त स्कीम के रूप में उल्लिखित) के अन्तर्गत प्रदान किए जा रहे लाभों की तुलना में कम अनुकूल नहीं हैं;

अतः, अब, केन्द्र सरकार उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और समय-समय पर इस संबंध में केन्द्र सरकार द्वारा उल्लिखित शर्तों के अध्यधीन एतद्वारा उक्त प्रतिष्ठान को उक्त स्कीम के सभी उपबंधों के प्रचलन से छूट प्रदान करती है।

[संख्या एस-35015/4/2003-एसएस-II]

संयुक्ता राय, अवर सचिव

New Delhi, the 28th August, 2003

S.O. 2566.—Whereas M/s D.A.V. College Trust & Management Societies DL-6528 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And Whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in Section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section(1) of Section 17 of the said Act and subject to the conditions specified by the Central Government in this regard from time to time hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

[No. S-35015/4/033-SS-II]

SANJUKTA RAY, Under Secy.

नई दिल्ली, 29 अगस्त, 2003

का० आ० 2567.—केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 की उप-धारा (1) एवं (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए द्वारा अधिनियम की दूसरी अनुसूची में उल्लिखित मामलों से संबंधित औद्योगिक विवादों के न्याय-नियन्यन तथा उक्त अधिनियम के अन्तर्गत सापेक्ष अन्य कार्यों के निर्वहन के लिए एक अतिरिक्त औद्योगिक अधिकरण का गठन करती है और श्री राम नगीना राय को, 24 जुलाई, 2003 के पूर्वाहन से अधिकरण के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[फा. संख्या ए-11016/7/2003-सीएलएस-II]

वाई. पी. सहगल, अवर सचिव

New Delhi, the 29th August, 2003

S.O. 2567.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 7 (A) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an additional Industrial Tribunal with Headquarters at Delhi for the adjudication of Industrial Disputes relating to any matter specified in the Second Schedule and for performing such other functions as may be assigned to it under the said Act, and appoints Shri Ram Nagina Rai as Presiding Officer of the Tribunal with effect from 24th July, 2003 (FN).

[F. No. A-11016/7/2003-CLS-II]

Y. P. SEHGAL, Under Secy.